



King and Queen County, Virginia



Board of Supervisors Meeting

Tuesday, October 13, 2026

Dinner at Tavern Museum with Museum Council 5:30 P.M.

Regular Monthly Meeting 7:00 P.M.

242 Allen's Circle
King and Queen Court House, Virginia 23085
First Floor Courtroom

AGENDA

1. Call to Order, Invocation, and Pledge of Allegiance
2. Approval and Signing of Minutes
3. Approval and Signing of the Warrants and Appropriations
4. Public Hearings – ZA25-01 and CUP26-02
5. Extension of 2232 Determination for CUP26-03 application
6. Acceptance of Real Estate Conveyance
7. Consideration of BFI Contract Amendment
8. Public Comment Period
9. Quarterly Reports
10. MPNN Regional Radio System Update
11. Appointments and Reappointments
12. County Administrator's Comments
13. Board of Supervisors Comments
14. Adjourn to workshop meeting on **Monday, October 28, 2026, at 6:00 p.m.**, 242 Allen's Circle, King and Queen County Courts and Administration Building, King and Queen Court House, Virginia, Second Floor Conference Room A/B.

AGENDA: October 13, 2026 Regular Meeting

ITEM #1:

Call to Order, Invocation and Pledge of Allegiance to the Flag of the
United States of America

ACTION REQUESTED:

None Required

ATTACHMENTS:

None

AGENDA: October 13, 2026 Regular Meeting

ITEM #2:

Approval and signing Minutes

ACTION REQUESTED:

Approval of the August 24, 2026 and September 14, 2026 minutes of the Board of Supervisors.

ATTACHMENTS:

- Draft August 24, 2026 minutes
- Draft September 14, 2026 minutes

**King and Queen County
Board of Supervisors Meeting
Monday, August 24, 2026**

6:00 P.M.

**Work Session Meeting
King and Queen County Courts and Administration Building
First Floor Courtroom**

Minutes of the Meeting

CALL TO ORDER AND ROLL CALL

Chairman Mark Berry called the meeting to order. Roll call was taken with all members being present.

APPROVAL OF WARRANTS

A motion was made by Ms. Alsop and seconded by Ms. Norman to approve the August 24, 2026 warrants subject to audit.

AYES: S.C. ALSOP: J.L. SIMPKINS, M. R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

ABSENT: NONE

DISCUSSION OF BIENNIAL TAX BILLINGS

Commissioner of Revenue Kelly Lumpkin and Treasurer Stephanie Sears were present to discuss the processes followed in each of their offices that would be affected by the change from a single billing to biennial billing of real estate taxes.

Ms. Lumpkin noted the following items:

- Her office would need training and guidance for software training.
- There would be hard deadlines for the checking of new construction permits.
- The real estate tax rate would also need to be set earlier in April so the calculation could be done for Veteran and Elderly exemptions.
- The timeline would leave a small window for her office to get the tax file to the Treasurer's office for billing.

Ms. Sears noted the following items:

- It would be double the work for her office.
- It would be double the cost for her office.
- The cost would increase for inserts.
- She feels that it would be a great option for the citizens.
- Reminded the board that anyone can prepay their taxes at any time in the year.
- Her office would be sending out delinquent notices for June billings.

- Since her office provides satellite office hours, it would mean more days with less staff in her office.

Mr. Berry noted that since the vehicle decals have been moved to the December billings, that the change to biannual real estate tax billings would not be double the work, it would just replace the work that was eliminated with that change.

Ms. Billups questioned how many building permits are reviewed each year and the process. Ms. Lumpkin estimated 150 permits, and she advised that she and her staff go out and review most of them, but some are done by a third party, particularly new home construction and commercial.

Ms. Alsop commented that even if it does create more work, it would be a good thing for the citizens.

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY (PAA) APPOINTMENTS

Ms. Seay advised that she was recently appointed as the Chair of the PAA. Currently she is the alternate representative and there is no representative. As the Chair, it would be more appropriate for her to be the representative instead of the alternate. Staff is recommending Quentin Mascari to be the alternate representative (if Ms. Seay becomes the representative).

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to appoint Ms. Seay as the representative.

AYES: S.C. ALSOP: J.L. SIMPKINS, M. R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

ABSENT: NONE

A motion was made by Ms. Norman and seconded by Ms. Alsop to appoint Quentin Mascari as the alternate representative.

AYES: S.C. ALSOP: J.L. SIMPKINS, M. R. BERRY, M.H. NORMAN, C.R. BILLUPS

NAYS: NONE

ABSENT: NONE

VACO CONFERENCE

There was brief discussion regarding members that would be attending. The county is allocated three rooms at The Homestead. Mr. Berry, Ms. Billups and Ms. Seay will be using those rooms. Ms. Alsop will also be attending but her room will be covered by VACO since she is a VACO board member.

PRESENTATION REGARDING BFI LEASE AMENDMENT REQUEST

Ms. Seay provided a Power Point presentation that highlighted the proposed changes included in the amendment requested by BFI.

- Increase allowable height to match the approved DEQ permit held by the landfill. This would be an increase of 130 feet.
- Potential reduction in truck traffic related to the removal of leachate from the landfill.
- Extend the end date of the contract to 2075.
- A one-time payment of \$12 million would be provided to the county.
- Annual contribution to the school division of .01/ton of waste received.
- Estimated additional increase of revenue to the county of \$60 to \$90 million over the life of the expansion.

Chairman Berry noted that the presentation will be provided again at the September 14, 2026 meeting.

COUNTY ADMINISTRATOR'S COMMENTS

Ms. Seay noted that she has received more of the required documents today and that project is continuing to move along albeit very slowly. The responses to the RFQ for the CMR for the elementary school project have been received and are under review.

BOARD OF SUPERVISORS COMMENTS

Ms. Alsop noted that several board members and the County Administrator attended the VACO Local Officials Summit in Richmond. She was glad the King and Queen was well represented and was able to get information that is important to rural counties to the General Assembly. She also attended the VACO board meeting, and they want each county to do a short movie about the county. She will work with the Director of Communications on this.

Mr. Simpkins advised the other board members that there was a very good article in a recent NACO newsletter about data centers and accessory dwelling units.

Ms. Norman congratulated the Sheriff on National Night Out success and noted that she hopes the schools will have a great year.

Ms. Billups commented that the board has a lot of information and does a lot of research when they are making decisions. She reminded everyone that none of the board members take any decision lightly and they know that they are making decisions that will affect future generations.

CLOSED MEETING

A motion was made by Ms. Alsop and seconded by Ms. Billups to enter into closed meeting pursuant to Va. Code § 2.2-3711(A)(8) for consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by such counsel, the subject being a claim and request for settlement communicated to County staff.

AYES: S.C. ALSOP: J.L. SIMPKINS, M. R. BERRY, M.H. NORMAN, C.R. BILLUPS
NAYS: NONE
ABSENT: NONE

A motion was made by Ms. Alsop and seconded by Ms. Billups that each member of the King and Queen County Board of Supervisors certify 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, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the King and Queen County Board of Supervisors, and (iii) no action was taken in the closed meeting.

AYES: S.C. ALSOP: J.L. SIMPKINS, M. R. BERRY, M.H. NORMAN, C.R. BILLUPS
NAYS: NONE
ABSENT: NONE

IT IS ORDERED THAT THIS BOARD BE ADJOURNED

A motion was made by Ms. Alsop and seconded by Mr. Simpkins to adjourn the meeting at 7:20 p.m.

Chairman

Clerk of the Board

King and Queen County
Board of Supervisors Regular Meeting

Monday, September 14, 2026

Regular Meeting
7:00 P.M.

King and Queen County Courts and Administration Building
General District Courtroom

“Minutes of the Meeting”

CALL TO ORDER

Chairman Berry called the meeting to order and provided the invocation followed by the Pledge of Allegiance to the Flag of the United States of America.

It was noted that member Sherrin Alsop was absent.

APPROVAL AND SIGNING OF THE JULY 27, 2026 AND AUGUST 10, 2026 MINUTES OF THE BOARD

A motion was made by Ms. Norman and seconded by Mr. Simpkins to approve the July 27, 2026 minutes of the Board.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN
NAYS: NONE
ABSENT: S.C. ALSOP

A motion was made by Ms. Billups and seconded by Mr. Simpkins to approve the August 10, 2026 minutes of the Board.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS
NAYS: NONE
ABSTAIN: M.H. NORMAN
ABSENT: S.C. ALSOP

APPROVAL AND SIGNING OF WARRANTS AND APPROPRIATIONS

A motion was made by Mr. Simpkins and seconded by Ms. Norman approving the September 2026 warrants and payroll subject to audit.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN
NAYS: NONE

ABSENT: S.C. ALSOP

A motion was made by Ms. Billups and seconded by Mr. Simpkins to approve the following appropriations for school fund:

- FY26 June revenue \$1,041,961.86
- FY26 July & August accrued revenue \$523,002.99

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

A motion was made by Ms. Norman and seconded by Ms. Billups to appropriate FY26 All In VA carryover funds to the school fund in the amount of \$10,486.34

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

A motion was made by Ms. Billups and seconded by Mr. Simpkins to approve an additional FY26 appropriation to the School Food Services fund in the amount of \$28,170.47

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

PRESENTATION OF DRAGON RUN STATE FORST TIMBER SALE PROCEEDS – DENNIS GASTON

State Forester Dennis Gaston presented the board with a check for \$97,742.82. This represents 25% of the proceeds of timber sales from the state forest during FY26 and is payment in lieu of real estate taxes for the land included in the state forest.

PUBLIC HEARING – TAVERN MUSEUM LEASE APPROVAL

Chairman Berry advised that the lease between the Museum Council and the Board of Supervisors for the Tavern Museum needs to be renewed. In order to do so a public hearing is required.

County Administrator Vivian Seay provided proof of publication and background information.

Chairman Berry opened the public hearing.

Tim Hayes, Bruington – Mr. Hayes stated that he is President of the Historical Society and thanked the board for their continued support of the museum. The museum is celebrating its 25th year in 2026 and the historical society and museum council are excited to continue their relationship with the board.

Board members Berry and Billups expressed their thanks to them for the great museum that they provide for the county.

A motion was made by Ms. Norman and seconded by Ms. Billups to approve the lease between the Historical Society.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

PRESENTATION – LANDFILL EXPANSION REQUEST/BFI CONTRACT AMENDMENT

County Administrator Vivian Seay provided the same presentation that was made at the August 24th meeting which highlighted items that are included in the requested contract amendment. Highlights included:

- Increase allowable height to match the approved DEQ permit held by the landfill. This would be an increase of 130 feet.
- Potential reduction in truck traffic related to the removal of leachate from the landfill.
- Extend the end date of the contract to 2075.
- A one-time payment of \$12 million would be provided to the county.
- Annual contribution to the school division of .01/ton of waste received.
- Estimated additional increase of revenue to the county of \$60 to \$90 million over the life of the expansion.

PUBLIC COMMENT PERIOD

Ann Marie Voight, Stevensville District – Ms. Voight is opposed to the expansion and extending of the contract with BFI. It is difficult to make projections about future tax rates and may not reflect what will happen. Two citizens have been killed by trash trucks and it needs to have an end there should be no more. If the amendment is considered it should be included to change the language from preferred route to required route for trucks going to and from the landfill. The landfill needs to stop allowing parking on Rt. 614. Please speak to the people in the area and find out their concerns.

Freddie Byrd, Stevensville District – Asked for confirmation that the contract would be extended for 30 years. What will the CPT be in 30 years? What CPI is used? How was the information about this meeting provided to the public, many elderly people don't have internet to see it if that is the only way. Something needs to be done about the damage done by vultures on people's property near the landfill. The landfill was established in 1986 and the host agreement was done in 1992. How will they make sure the leachate doesn't go into the ground and affect people's drinking water? Both Wares Church and Second Mount Olive are historic churches in the area, how will this affect the ground that people are buried in at these churches? The landfill was supposed to help the school division and help offset costs to taxpayers.

Martha Hart, Buena Vista District – She is concerned about the leachate and the potential environment impacts on historic areas such as the churches. There are lot of unanswered questions. Will the company that treats the leachate always be there?

Jeffrey Willacker, Stevensville District – He supports the amendment and feels that it is a win/win for the county. Maybe the county could do something like the City of VA Beach with Mount Trashmore in the future. He hopes the board approves the amendment.

Virgie Byrd, Stevensville District – She lives on Mount Olive Road near the landfill and the buzzards are constantly on her house. She cannot sleep because of the noise they make, like someone is breaking into the house. They have even pulled the shingles off her roof. No one has talked to her about this because she is black. She pays her taxes every year and should not have to put up with it.

CONSIDERATION OF BFI LEASE AMENDMENT

This item was tabled to the workshop for further discussion when all members can be present.

QUARTERLY REPORTS

The Board received quarterly reports from the following department heads and agencies:

- Erin Lazar – Community Programming, Library and Tourism
- Kelly Evko – Economic Development
- Betty Dougherty – Human Resources
- Tina Ammons – Finance
- Dr. Carol Carter – School Division
- Brad Burgess – Emergency Services

SET PUBLIC HEARING DATE – ZA25-01 AND CUP26-02

A motion was made by Ms. Billups and seconded by Mr. Simpkins to set Tuesday, October 13, 2026 as the date for public hearing for ZA25-01 and CUP26-02.0

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

APPROVAL OF CMR PROCEDURES

Ms. Seay advised that the Board previously adopted the resolution allowing CMR as the procurement methods for capital construction projects. In order to proceed with the next step for the elementary school project the board needs to adopt procedures that it will follow for this process.

A motion was made by Ms. Billups and seconded by Mr. Simpkins to adopt the following procedures:

CONSTRUCTION MANAGEMENT PROCEDURES
ADOPTED BY THE
KING AND QUEEN COUNTY BOARD OF SUPERVISORS
SEPTEMBER 14, 2026

In accordance with Va. Code § 2.2-4382, the King and Queen County Board of Supervisors (the "**Board**") hereby adopts the following procedures to be used in the procurement of Construction Management ("**CM**") projects in King and Queen County (the "**County**") over which the Board has authority. These Procedures are effective as of October 14, 2025.

The procedures to be used in selecting a CM and awarding a contract are as follows:

1. The County shall comply with all requirements set forth in the Va. Code, including, but perhaps not limited to, those requirements set forth in Va. Code § 2.2-4382.
2. Construction Management may be utilized on projects in the County, provided that (i) the project is a complex project and (ii) the procurement method for the project is approved by the local governing body.
3. The Board shall adopt a resolution on a per project basis setting forth the Board's (i) approval for using the CM method, and (ii) determination that the project is a complex project.
4. A copy of all Resolutions adopted pursuant to these Procedures shall be maintained in the procurement file.
5. Prior to publishing the Request for Qualification, the County will have in its employ or under its control or will retain as necessary a Virginia-licensed engineer or architect with the professional competence to advise the County regarding use of construction management for a specified construction project. The Virginia-licensed engineer or architect will assist the County with preparation of Request for Proposal (RFP), and evaluation of proposals received in response to the RFP.
6. Public notice of the Request for Qualifications shall be posted on the Commonwealth of Virginia central electronic procurement website, known as eVA, or the County's website, or both, at least 30 days prior to the date set for receipt of qualification proposals.

7. The CM contract shall be entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions.
8. Prior CM experience or previous experience with the County shall not be considered as a prerequisite or factor considered for prequalification of a contract. The County may consider the experience of each contractor on comparable construction management or design-build projects.
9. All CM contracts to which the County is a party, except CM contracts involving infrastructure projects, shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces, and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. For any work not procured by publicly advertised competitive sealed bidding, the CM shall provide documentation detailing the reasons that was not done and such documentation shall be placed in the procurement file.
10. Price is a critical basis for award of the CM contract.
11. When appropriate, the County will post or confirm the posting on the Commonwealth of Virginia central electronic procurement website, known as eVA, or the County's website, or both, when and where the general contractor plans to advertise bid packages for subcontracting opportunities.
12. A two-step competitive negotiation process must be used in the procurement of a CM contract consistent with Chapter 43.1 and the Construction Management Procedures As Adopted by the Secretary of Administration (effective December 17, 2024) for state public bodies.
13. Selection of Qualified Offerors (STEP I). The County shall conduct a prequalification process as follows to determine which offerors are qualified to receive Request for Proposals (RFPs).
 - a) The County Administrator or designee will appoint an Evaluation Team (the "Evaluation Team") which shall consist of at least three staff members of the County, including a licensed professional engineer or architect. If possible, the Committee shall include a licensed design professional. The members of the Committee shall have experience relevant to the project, with backgrounds in such areas as design, construction, contracts, project management operations, and maintenance. The County shall consult with its

attorney to determine whether legal counsel should be involved to provide legal counsel to the Team as may be requested by it.

- b) The County will prepare a Request for Qualifications ("RFQ") containing the County's Facility Requirements, building and site criteria, site and survey data (if available), the criteria to be used to evaluate RFQ Responses and other relevant information, including any unique capabilities or qualifications that will be required of the contractor. All offerors shall have a licensed Class "A" contractor registered in the Commonwealth of Virginia as part of the Project team.
- c) The RFQ shall be posted in accordance with the requirements of these Procedures and shall include if responses may be submitted electronically and/or via paper response.
- d) The Evaluation Team shall evaluate each responding firm's RFQ responses and any other relevant information and shall determine those deemed qualified with respect to the criteria established for the project.
- e) The RFQ evaluation process shall result in a short list of three to five offerors to receive the RFP. If available, the short list shall include a minimum of one DSBSD-Certified Small Business that meets the minimum requirements for prequalification. An offeror may be denied prequalification only as specified under Va. Code § 2.2-4317, but the short list shall also be based upon the RFQ criteria.
- f) The RFQ evaluation process shall evaluate an offeror's experience for a period of ten prior years to determine whether the offeror has constructed, by any method of project delivery, at least three projects similar in program and size.
- g) At least 30 days prior to the date established for the submission of proposals, the County shall advise in writing each offeror which sought prequalification whether that offeror has been prequalified. Prequalified offerors that are not selected for the short list shall likewise be provided the reasons for such decision. In the event that an offeror is denied prequalification, the written notification to such offeror shall state the reasons for such denial of prequalification and the factual basis of such reasons.

14. Selection of a Construction Manager (STEP II).

- a) The County shall send a Request for Proposal ("RFP") to the offerors on the short list and request submission of formal proposals from them. The RFP shall include the criteria for award and whether the responses may be submitted electronically and/or via paper response.

- b) Proposals as described in the RFP shall be submitted to the Evaluation Team.
 - c) The Evaluation Team will evaluate and rank the proposals. After evaluation and ranking of the proposals, the Evaluation Team shall:
 - i. Conduct negotiations with two or more offerors submitting the highest ranked proposals. (or)
 - ii. Should the County determine, in writing and at its sole discretion, that only one offeror is fully qualified or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.
 - d) The Evaluation Team shall make its recommendation on the selection of a construction manager to the Board based on its evaluations and negotiations. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the Request for Proposal.
 - e) The County will notify all offerors who submitted proposals which offeror was selected for the project. In the alternative, the County may notify all offerors who submitted proposals of the County's intent to award the contract to a particular offeror at any time after the Board has selected the Construction Manager. When the terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.
 - f) Upon request, documentation of the process used for the final selection shall be made available to the unsuccessful proposers.
15. The County shall post all documents open to public inspection pursuant to Va. Code § 2.2-4342, that are issued or received by the County.
16. The Guaranteed Maximum Price shall be established at the completion of working drawings unless a waiver has been granted to this requirement by the Director.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

APPROVAL OF CONTRACT AMENDMENT – SKANSKA

Ms. Seay advised that the existing contract with Skanska who serves as our third-party construction project management firm needs to be amended to include future phases of existing projects and new projects that are starting.

Mr. Berry questioned the amount in the contract for the government center project. Ms. Seay advised that as long as that project is on hold, the funds would not be expended, but that there are funds allocated in the FY27 budget to begin the next phase which is more detailed interior design.

A motion was made by Ms. Norman and seconded by Ms. Billups to approve the contract amendment for Skanska in the amount of \$1,366,873.00.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

APPOINTMENTS AND REAPPOINTMENTS TO BOARDS AND COMMISSIONS

A motion was made by Ms. Billups and seconded by Ms. Norman to reappoint Vivian Seay to the VPPSA Board.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

COUNTY ADMINISTRATOR'S COMMENTS

Ms. Seay had the following comments:

- Noted that there has been a lot of behind-the-scenes work done on the elementary school project to get to this point. The next step is selecting the contractor and architect for schematic design.
- Reminded the board that the September 28th workshop meeting will be joint with the school board.
- Noted that staff recently had a call with Davenport and with the board's approval will schedule them to meet with the board soon.
- Conveyed invitation from the Tavern Museum Council to the annual dinner at the museum. It will be October 13th prior to the meeting at 5:30 p.m.

BOARD MEMBER COMMENTS

Ms. Norman had the following comments:

- Welcomed Chief Burgess.
- Thanked citizens for their comments regarding the landfill.
- Noted that it was good to see some new faces and wished everyone a safe trip home.

Ms. Billups had the following comments:

- Thanked everyone for coming and for their patience with her speech since she has surgery on her mouth today.
- Thanked citizens for the insights on the landfill. She has spoken to engineers to get information herself on how the landfill works.

Mr. Simpkins had the following comments:

- Thanked everyone for coming and for the reports.
- Noted that the landfill is never an easy topic to discuss. No one wants it but everyone needs it. The board will make a decision based on meeting the county's needs and considering the citizens affected.
- Commented that the board is committed to expanded economic development and that the county needs to find a way to stand out to move forward. The landfill has served the county well, but more is needed.
- Expressed concern over budget amendments. The board needs to stop approving them and everyone needs to plan ahead and stick with the plan. Everyone also needs to be honest about what is a need and what is a want.
- Wished everyone a safe trip home and hope to see next month.

Mr. Berry had the following comments:

- Welcomed Chief Burgess.
- Noted that the board has received a lot of information tonight.
- Wished everyone a safe trip home.

CLOSED MEETING

A motion was made by Ms. Billups and seconded by Ms. Norman to enter closed meeting pursuant to Va. Code § 2.2-3711(A)(1) for discussion and consideration of the duties and salaries in the Regional Radio System Department.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

A motion was made by Ms. Billups and seconded by Mr. Simpkins to enter into open session with each member of the King and Queen County Board of Supervisors certify 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, (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the King and Queen County Board of Supervisors, and (iii) no action was taken in the closed meeting.

AYES: J.L. SIMPKINS, M.R. BERRY, C.R. BILLUPS, M.H. NORMAN

NAYS: NONE

ABSENT: S.C. ALSOP

IT IS ORDERED THAT THE BOARD BE ADJOURNED:

A motion was made by Ms. Norman and seconded by Ms. Billups to adjourn the meeting at 11:05 p.m. to Monday, September 28, 2026 for a joint workshop meeting with the School Board, at 6:00 p.m., King and Queen Court House, Virginia, 23085, Second Floor Conference Room A/B.

Chairman

Clerk of the Board

AGENDA: October 13, 2026 Regular Meeting

ITEM #3:

Approval and signing of Warrants and Appropriations

ACTION REQUESTED:

1. Approval of County warrants & payroll October 2026

ATTACHMENTS:

- County Warrants (Payroll and Accounts Payable)

Part-time Employee Payroll Run
Payroll: Thursday, Oct. 09, 2026

County

Barrow, Kathy	1,432.34
Burr, Sherry	2,305.59

Library

Harvey, Doris	\$654.86
Norman, Susan	\$398.90
Todara, Alyssa	\$2,258.12
Nelson, Stephanie	\$142.91
Schmidt, Lizzie	\$696.26

Registrar

Klausen, Diane	\$270.00
Nickelson, Robert	\$204.32

Sheriff's Department

Davis, Sandra	\$887.50
Mickles, Melissa	\$1,755.00
Shackleford, Donald	\$1,974.00
Shiftlett, Kristina	\$240.00
Trent, Darryl	\$912.50

Overtime/Sheriff's Department

Burns, Hickory	\$1,124.71
Carkin, Zachary	\$903.21
Hope, Paul	\$171.64
Lang, Graham	\$342.57
Schefflien, Harvey	\$1,282.32
Topham, Ellen	\$177.10
Warren, Tammy	\$74.10

Rescue Services

Hunter, Gregory	\$4,316.17
Willaford, Harold	\$1,728.66
Beasley, Michael	\$1,564.45
Byrd, Hunter	\$979.19
Heller, John	\$662.86
Huffman, Michael	\$1,620.72
Meriwether, Jack	\$2,379.30

\$31,459.30

Fulltime Payroll - October 2026

Board of Supervisors

Carolyn Billups	\$416.67
Marie Norman	\$416.67
Mark Berry	\$416.67
Lawrence Simpkins	\$416.67
Sherrin Alsop	\$416.67

County Administrator/County Attorney

Vivian Seay	\$21,562.50
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Commissioner of the Revenue

Kelly Lumpkin	\$7,605.00
Brenda Robinson	\$4,876.38
Vacant	\$0.00

Finance

Tina Ammons	\$8,253.80
Jessica Willkomm	\$4,583.33

Human Resources

Betty Dougherty	\$8,769.12
Lisa Lose	\$4,470.34
Resa Wilson	\$3,719.53
Kimberly Ammons	\$3,451.17

Treasurer

Stephanie Sears	\$7,605.01
Mali Klausen	\$4,087.24
Tammy Gibbs	\$3,244.23

Information Technologies

Gerardo Trejo	\$3,726.43
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Registrar

Kristy Creech	\$6,957.96
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Clerk of Circuit Court

Hattie Robinson	\$8,864.42
Patricia Reed	\$4,623.19
Victoria Thomas	\$3,607.15
Amanda Tate	\$3,598.50
Vacant	\$0.00

Commonwealth Attorney

Meredith Adkins	\$13,566.35
Denise Williams	\$4,485.00

Sheriff

Rob Balderson	\$12,197.58
Willow Bullington	\$4,907.33

Ernie Schefflien	\$6,173.92
Paul Hope	\$5,666.67
Perry Lightfoot	\$5,261.25
Mitchell Wilson	\$6,268.00
Phillip Cusick	\$6,091.33
Andrew Redel	\$5,175.00
Hickory Burns	\$5,019.50
Skylar Blowe	\$5,261.25
Jon-Eric Clark	\$5,158.58
Thomas Gleason	\$4,708.33
Vladimir Rowe	\$5,162.42
Emilee Bashaw	\$4,907.33
John Benfield	\$4,708.33
Graham Lang	\$4,166.67
Randy Holmes	\$4,907.33
Riley Knight	\$4,708.33
Deana Pittman	\$4,864.25
Eliza Cherry	\$4,666.67
Avery Fusco	\$4,791.67
Christopher Houser	\$5,250.00
Tyler Cole	\$4,708.33
Mya Epps	\$4,234.92
John Hall	\$3,833.33
Tammy Warren	\$4,280.67
Shirley Hill	\$5,019.58
Ellen Topham	\$4,092.33
Sarah Senn	\$3,833.33
Janeisha Ashlock-Moseley	\$4,092.33
Zachary Carkin	\$4,092.33
Kylee Duty	\$3,967.50
Vickie Draine	\$5,075.83
Robin Bostic	\$6,153.67
Tammy Willoughby	\$6,037.50

Rescue Services

Bradley Burgess	\$7,916.67
David Lankford	\$6,533.10
Kevin Mounts	\$6,609.31
Josh Schrum	\$5,604.11
Robert Coggsdale	\$6,426.85
Kyle Cohenour	\$4,693.35
Phillip Jewell	\$6,249.71
Gary Breen	\$5,439.06
William Sisson	\$4,556.65
Jacob Hoffmaster	\$5,246.26
Aerrin Ryan	\$5,403.65
Christopher Field	\$5,282.41
Matthew Anton	\$4,266.20

Laura Heller	\$5,565.76
Vacant/EMT	\$0.00
Wesley May	\$4,834.15
David Yeane	\$5,246.26
Joshua Lucas	\$4,834.15
Donald Butler	\$4,834.15
Allison Mackey	\$4,423.93
Justin Call	\$4,266.20
Joy Kirby	\$4,141.94
EMT	\$0.00
EMT	\$0.00

Building Inspections

Quentin Mascari	\$6,989.45
Kathy Barrow	\$4,312.50

General Properties

Michael Barrow	\$6,105.47
Maintenane & Grounds/Vacant	\$0.00

Community Programming & Tourism

Erin Lazar	\$6,603.04
Jesse Kelley	\$6,066.62

Economic Development

Kelly Evko	\$8,439.57
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Zoning/Community Development

Donna Sprouse	\$7,262.38
Josh Rellick	\$4,537.61

\$475,873.90

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	LIABILITIES						
DMV	DMV Stop Fee Payable	DMV STOP FEE	202624300685	7/31/2026	1,550.00		*
					1,550.00		
TAXING AUTHORITY	Delinquent Tax/Legal Fees	DELINQUENT TAX COLL	INV11631	9/18/2026	112.00		*
					112.00		
				TOTAL	1,662.00		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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RAPPAHANNOCK TIMES	*** Board of Supervisors *** Advertising	NOTICE BFI LEASE AME CL26082603		9/02/2026		90.00	
						90.00	*
				TOTAL		90.00	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	*** County Administrator ***						
VIRGINIA PENINSULA PUBLIC	Automotive/Motor Pool	COUNTY VEHIC MAINTEN	33628	9/15/2026	95.00		
					95.00	*	
				TOTAL	95.00		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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VERIZON WIRELESS	*** HUMAN RESOURCES *** TELECOMMUNICATIONS	WIRELSS DEVICES	6153434474	9/14/2026		37.47	
						37.47	*
				TOTAL		37.47	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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CLEAR POINT CPA	*** Independent Auditor *** Professional Services	FY26 GOVT ACCT SERVI	4461	8/31/2026	1,555.00		
					1,555.00		*
				TOTAL	1,555.00		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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BMS DIRECT	*** Commissioner of Revenue *** Printing & Binding	RE LAND BOOK	215494	9/28/2026	1,075.56		
					1,075.56		*
				TOTAL	1,075.56		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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VERIZON WIRELESS	*** Finance *** Telecommunications	WIRELSS DEVICES	6153434474	9/14/2026		37.47	
						37.47	*
				TOTAL		37.47	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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PITNEY BOWES	*** Treasurer *** Maintenance Service Contracts	POSTAGE METER	3323142553	8/30/2026	436.23		
					436.23		*
				TOTAL	436.23		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	*** Information Technology ***						
VERIZON WIRELESS	Communications/Phone & Interne	WIRELSS DEVICES	6153434474	9/14/2026	77.48		
					77.48	*	
SUMMIT BUSINESS ASSOCIATE	IT Supplies/County	MONTHLY BACKUP	2026396	9/30/2026	157.50		
					157.50	*	
CDW-GOVERNMENT, INC	EDP Equipment - County	MONITOR/SURFACE DOCK AL17M8W		9/23/2026	2,008.27		
					2,008.27	*	
				TOTAL	2,243.25		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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MCNEIL & COMPANY, INC.	Gen Liability - Fire & Rescue	ADD ENDORSEMENTS	7100237	9/25/2026	3,180.22		
					3,180.22		*
				TOTAL	3,180.22		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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B.W. MURRAY & CO. INC.	IT Security Assessment	CYBER SECURITY PROG	2447	9/20/2026	724.16		724.16
							724.16 *
				TOTAL	724.16		724.16

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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TRUIST BANK	*** Registrar *** Postal Services	POSTAGE/REGISTRAR	09/25/2026	9/25/2026	192.00		
					192.00	*	
				TOTAL	192.00		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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RICOH USA, INC.	*** General District Court *** Lease/Rent of Equipment	COPIER LEASE	42127689	9/11/2026	98.23		98.23
				TOTAL	98.23		98.23

VENDOR NAME -----	CHARGE TO -----	DESCRIPTION -----	INVOICE# -----	INVOICE	\$\$	PAY	\$\$
				DATE ----			
	*** 9th Dist Court Service Unit ***						
JAMES CITY COUNTY	Repairs & Maintenance	FY26 Q3 JDR BILLING	11742	4/21/2026	192.99		
JAMES CITY COUNTY	Telecommunications	FY26 Q3 JDR BILLING	11742	4/21/2026	79.95		*
JAMES CITY COUNTY	Lease/Rent of Buildings	FY26 Q3 JDR BILLING	11742	4/21/2026	1,323.82		*
JAMES CITY COUNTY	Other Operating Supplies	FY26 Q3 JDR BILLING	11742	4/21/2026	172.89		*
				TOTAL	1,769.65		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	*** Clerk of Circuit Court ***						
REED, PATRICIA	Mileage	MILEAGE	09/28/2026	9/28/2026		51.68	
ROBINSON, HATTIE	Mileage	MILEAGE	09/28/2026	9/28/2026		59.28	
THOMAS, VICTORIA N.	Mileage	MILEAGE	09/25/2026	9/25/2026		59.28	
TATE, AMANDA	Mileage	MILEAGE	09/1/2026	9/01/2026		75.24	
						245.48	*
AMAZON CAPITAL SERVICES	Office Supplies	OFFICE SUPPLIES	1HWM-FX1J-9LTM	9/24/2026		169.90	
BLUE360 MEDIA	Office Supplies	LAW BOOKS	IN2607290792	8/29/2026		230.95	
						400.85	*
				TOTAL		646.33	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE	PAY	PAY
				DATE		
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*** Victim Witness Assistance ***						
VERIZON WIRELESS	TELECOMMUNICATIONS	WIRELESS DEVICES	6153440884	9/14/2026	37.47	
					37.47	*
TRUIST BANK	CONVENTION & EDUCATION	MEAL/CONFERENCE	09/25/2026	9/25/2026	34.66	
TRUIST BANK	CONVENTION & EDUCATION	MEAL/CONFERENCE	09/25/2026	9/25/2026	46.12	
TRUIST BANK	CONVENTION & EDUCATION	MEAL/CONFERENCE	09/25/2026	9/25/2026	15.82	
TRUIST BANK	CONVENTION & EDUCATION	MEAL/CONFERENCE	09/25/2026	9/25/2026	26.41	
TRUIST BANK	CONVENTION & EDUCATION	MEAL/CONFERENCE	09/25/2026	9/25/2026	310.90	
TRUIST BANK	CONVENTION & EDUCATION	MEAL/CONFERENCE	09/25/2026	9/25/2026	22.15	
TRUIST BANK	CONVENTION & EDUCATION	CONFERENCE REGISTRAT	09/25/2026	9/25/2026	134.65	
TRUIST BANK	CONVENTION & EDUCATION	CONFERENCE REGISTRAT	09/25/2026	9/25/2026	450.00	
					1,040.71	*
TOTAL					1,078.18	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE	DATE	\$\$	PAY	\$\$
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	*** Sheriff ***							
COMPUTER PROJECTS OF IL	Maintenance Service Contracts	ANNUAL OPENFOX LIC	26-09-226ME		9/24/2026	396.00		
						396.00	*	
VERIZON WIRELESS	Telecommunications	WIRELESS DEVICES	6153440884		9/14/2026	639.53		
VERIZON WIRELESS	Telecommunications	WIRELESS DEVICES	6153833824		9/19/2026	1,283.19		
						1,922.72	*	
WITMER PUBLIC SAFETY	Uniforms & Wearing Apparel	UNIFORMS	INV964770		9/22/2026	3,106.37		
WITMER PUBLIC SAFETY	Uniforms & Wearing Apparel	UNIFORMS	INV967405		9/28/2026	165.00		
						3,271.37	*	
HANES, DREW A.	Payment for Medical Expenses	REIMBURSE/PHYSICAL	2257022		9/22/2026	50.00		
						50.00	*	
TOTAL						5,640.09		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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AT&T	*** E911 *** E911 PHONE LINES	911 PHONE LINES	8176370216	9/16/2026	3,429.25		3,429.25
				TOTAL	3,429.25		3,429.25

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE	DATE	\$\$	PAY	\$\$
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	*** Rescue Services ***							
VERIZON WIRELESS	Telecommunications	WIRELSS DEVICES	6153434474		9/14/2026	750.60		
						750.60	*	
HORNS WEST POINT ACE	Office Supplies	WALL REPAIR SUPPLIES	66644/2		9/29/2026	23.58		
						23.58	*	
VIRGINIA PENINSULA PUBLIC	Vehicle Maintenance	EMS VEHICLE MAINTANE	33629		9/15/2026	302.50		
PORT RICHMOND AUTO PARTS	Vehicle Maintenance	OIL CHANGE	526464		9/25/2026	204.97		
						507.47	*	
WEST POINT FORD	VEHICLE MAINTENANCE SUPPLIES	SEAL RING/OIL	23236		8/10/2026	75.50		
						75.50	*	
AIR-CARE, INC.	Uniforms	HYDROSTATIC TESTING	32141		9/24/2026	559.00		
						559.00	*	
TOTAL						1,916.15		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE	DATE	\$\$	PAY	\$\$
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	*** Radio Communications ***							
RAPPAHANNOCK ELECTRIC	Electrical Services	490 CANTERBURY RD	114292002 9/26		9/18/2026		388.38	
TRUIST BANK	Electrical Services	114292001 244 LAKE P	08/25/2026		8/25/2026		515.23	
TRUIST BANK	Electrical Services	114292003 8786 NEWTO	08/25/2026		8/25/2026		415.67	
TRUIST BANK	Electrical Services	ELECTRIC/TOWER SITES	09/25/2026		9/25/2026		.00	
TRUIST BANK	Electrical Services	ELECTRIC/TOWER SITES	09/25/2026		9/25/2026		961.50	
							2,280.78	*
SBA TOWERS, INC.	Tower Rent - Shacklefords Site	TOWER RENT	IN30671023		10/01/2026		8,789.16	
							8,789.16	*
				TOTAL			11,069.94	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	*** Building Inspections ***						
VERIZON WIRELESS	Telecommunications	WIRELSS DEVICES	6153434474	9/14/2026	37.47		37.47 *
MANSFIELD OIL COMPANY	Vehicle Fuel	FUEL	1211511	10/17/2026	36.81		36.81 *
				TOTAL	74.28		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$ PAY \$
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	*** Animal Control ***				
VERIZON WIRELESS	Telecommunications	WIRELESS DEVICES	6153440884	9/14/2026	37.47
VERIZON WIRELESS	Telecommunications	WIRELESS DEVICES	6153833824	9/19/2026	80.02
					117.49 *
				TOTAL	117.49

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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VERIZON WIRELESS	*** Emergency Services *** Communication Equipment	WIRELSS DEVICES	6153434474	9/14/2026	157.70		157.70
				TOTAL	157.70		157.70

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	*** General Properties ***						
SYDNOR HYDRO, INC.	Water System Testing	MAINTENANCE CONTRACT	13037	10/01/2026	350.00		
					350.00	*	
DOMINION ENERGY VIRGINIA	Electrical Services	5-B	983002 9/26	9/18/2026	91.35		
					91.35	*	
VERIZON WIRELESS	Telecommunications	WIRELSS DEVICES	6153434474	9/14/2026	37.47		
					37.47	*	
U-LINE	Janitorial Supplies	SOAP/PAPER TOWELS	213223792	9/14/2026	44.00		
U-LINE	Janitorial Supplies	SOAP/PAPER TOWELS	213223792	9/14/2026	246.00		
U-LINE	Janitorial Supplies	SOAP/PAPER TOWELS	213223792	9/14/2026	146.50		
					436.50	*	
MANSFIELD OIL COMPANY	Vehicle & Equipment Fuel	FUEL	1211511	10/17/2026	220.12		
MANSFIELD OIL COMPANY	Vehicle & Equipment Fuel	FUEL	1211511	10/17/2026	162.12		
					382.24	*	
PORT RICHMOND AUTO PARTS	Vehicle & Equipment Supplies	OIL/RAINX	526836	9/30/2026	72.96		
					72.96	*	
HORNS WEST POINT ACE	Building Supplies	PAINTING SUPPLIES	66560/2	9/22/2026	106.10		
HORNS WEST POINT ACE	Building Supplies	PAINTING SUPPLIES	66631/2	9/28/2026	27.61		
					133.71	*	
SERVICEMASTER OF THE	Custodial Service	JANITORIAL SERVICES	7404	10/01/2026	4,400.00		
					4,400.00	*	
				TOTAL	5,904.23		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	*** Marriott School Facility ***						
DOMINION ENERGY VIRGINIA	Electrical Service	MARRIOTT SCHOOL	700310 9/26	9/18/2026	285.64		
					285.64	*	
				TOTAL	285.64		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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DOMINION ENERGY VIRGINIA	*** Station 2/Marriott School *** ELECTRICAL SERVICE	STATION 2	102924 9/26	9/18/2026	201.76		
				TOTAL	201.76	*	
					201.76		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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SOUTHERN AIR, INC.	HVAC MAINENTANCE CONTRACT	HUB33 HVAC SERVICE	1012385	9/20/2026	250.00		
					250.00		*
				TOTAL	250.00		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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VERIZON WIRELESS	*** COMMUNITY PROGRAMMING *** TELECOMMUNICATIONS	WIRELSS DEVICES	6153434474	9/14/2026		37.47	
				TOTAL		37.47	*

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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	*** Public Library ***						
DOMINION ENERGY VIRGINIA	Electrical Services	LIBRARY	503158 9/26	9/18/2026	285.63		
DOMINION ENERGY VIRGINIA	Electrical Services	LIBRARY	861216 9/26	9/18/2026	247.64		
					533.27	*	
VERIZON WIRELESS	TELECOMMUNICATIONS	WIRELSS DEVICES	6153434474	9/14/2026	37.47		
					37.47	*	
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99540996	9/23/2026	30.28		
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99658125	9/28/2026	37.39		
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99658126	9/28/2026	44.99		
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99658127	9/28/2026	100.03		
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99658128	9/28/2026	66.29		
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99658129	9/28/2026	12.74		
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99658130	9/28/2026	42.36		
INGRAM LIBRARY SERVICES	BOOKS/LIBRARY COLLECTION	BOOKS	99658131	9/28/2026	20.63		
OVERDRIVE, INC	BOOKS/LIBRARY COLLECTION	LIBRARY SERVICE	H-0124233	7/01/2026	1,200.00		
					1,554.71	*	
				TOTAL	2,125.45		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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VERIZON WIRELESS	*** Economic Development *** Telecommunications	WIRELSS DEVICES	6153434474	9/14/2026		37.47	
						37.47	*
				TOTAL		37.47	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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VERIZON WIRELESS	*** Zoning Administrator *** Telecommunications	WIRELSS DEVICES	6153434474	9/14/2026	37.47		
					37.47	*	
MANSFIELD OIL COMPANY	Vehicle Equipment Fuel	FUEL	1211511	10/17/2026	46.89		
					46.89	*	
TRUIST BANK	UNIFORMS/PPE	PPE/RELLICK & SPROUS	09/25/2026	9/25/2026	168.53		
					168.53	*	
				TOTAL	252.89		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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TRUIST BANK	*** Contingency Fund *** Miscellaneous Contingencies	FINANCE CHARGE&LATE	09/25/2026	9/25/2026		71.00	
						71.00	*
				TOTAL		71.00	
				FUND TOTAL		46,491.56	

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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SKANSKA	Emergency Services Facility	PROJECT MANAGEMENT	2222828-50	10/01/2026	250.00		*
					250.00		
SKANSKA	ADMIN BUILDING RENOVATION	PROJECT MANAGEMENT	2222828-50	10/01/2026	250.00		*
					250.00		
				TOTAL	500.00		
				FUND TOTAL	500.00		

VENDOR NAME	CHARGE TO	DESCRIPTION	INVOICE#	INVOICE DATE	\$\$	PAY	\$\$
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SKANSKA	KQES CONSTRUCTION	PROJECT MANAGEMENT	2222828-50	10/01/2026	9,098.00		
					9,098.00		*
				TOTAL	9,098.00		
				FUND TOTAL	9,098.00		
				TOTAL DUE	56,089.56		

Approved at meeting of _____ on _____.

Signed _____
Title _____ Date _____

AGENDA: October 13, 2026 Regular Meeting

ITEM #4:

Public Hearings:

ZA25-01 – Article 12, Chesapeake Bay Overlay District

We will now hold a public hearing on ZA26-01.

I ask the Director of Community Development to provide proof of publication and background information on the text amendment request.

I now open the public hearing, citizens wishing to make comments on the proposed text amendment, please come forward, state your name and the district you reside in.

Once the hearing is closed, action will be needed to either accept or not accept the recommendation for approval of ZA25-01 by the Planning Commission.

**CUP26-02 – The Towers, LLC (Vertical Bridge) & Cellco Partnership
(Verizon Wireless)**

We will now hold a public hearing on the CUP26-02.

I ask the Director of Community Development to provide proof of publication and background information on the text amendment.

I now open the public hearing, citizens wishing to make comments on the proposed conditional use permit, please come forward, state your name and the district you reside in.

Once the hearing is closed, action will be needed to either accept or not accept the recommendation for approval of cup26-02 by the Planning Commission.

ATTACHMENTS:

- Memo from Director of Community Development including both text amendment applications and related information.

KING & QUEEN COUNTY
Land Development Application
Planning & Zoning Department

(804) 785-5985
 (804) 769-0511
 Fax: (804) 785-5999

(Please print in ink or use a typewriter)

Applicant: King and Queen County Zoning & Planning Department

Applicant's Address: P.O. Box 177, King and Queen Courthouse, VA 23085

Agent (Contact Person): Donna E. Sprouse, Community Dev. Dir. Phone: 785-5975

Agent's Company: King and Queen County Zoning & Planning Department

Agent's Address: P.O. Box 177, King and Queen Courthouse, VA 23085

Current Property Owner: N/A

Owner's Address: N/A

Correspondence to be sent to: ☒ Applicant ☐ Owner ☒ Agent ☐ Other

Tax Map/Parcel Number: N/A Magisterial District: N/A

General Project Location: N/A

Size of request site: N/A

Are Proffer's Being offered along with this Application: YES ☐ or NO ☒

If so please Attach.
 Check Appropriate Request:

Zoning Administrator

☐:Site Plan (Level 1)
☐:1-2 Lot Subdivision Approval
☐:Estate Subdivision Review

Planning Commission

☐:Site Plan (Level 2)
☐:Section 15.1-455
☐:Other

Planning Commission & Board of Supervisors

☐:Rezoning
☐:Conditional Use Permit
☒:Zoning Ordinance Text Amendment
☐:Subdivision Ordinance Text Amendment
☐:Site Plan (Level 3)
☐:Other

Board of Zoning Appeals

☐:Administrative Appeal
☐:Variance
☐:Special Exception
☐:Other

Complete As Applicable:

Name of Subd'n, Development, or Proposal: Zoning Text Amendment

Proposal/Request: Article 12, Chesapeake Bay Preservation Area Overlay District

Reason for request: _____

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that any percolation tests, topographic studies, or other requirements of the Health Official or the Zoning Administrator will be carried out at my expense. I understand that the County may deny, approve, or conditionally approve that for which I am applying. I certify that all property corners have been clearly staked and flagged.

Applicant's Signature:  Date: 10/1/2025

Owner: I have read this completed application, understand its content, and freely consent to it's filing. If this application is for the purpose of subdivision, further subdivision of this property will require a new application and approval by the Board of Supervisors. Furthermore, I grant permission to the zoning administrator and the other County Officials to enter the property and make such investigations and tests as they deem necessary.

Owner's Signature: _____ Date: _____

Sprouse, Donna (KQCO)

From: Lassiter, V'lent (DEQ) ·
Sent: Friday, October 24, 2025 9:50 AM
To: Sprouse, Donna (KQCO)
Subject: *EXTERNAL SENDER* King & Queen's CBPA Ordinance: Resiliency/Mature Tree Amendments (final)
Attachments: ARTICLE_12._CHESAPEAKE_BAY_PRESERVATION_AREA_OVERLAY_DISTRICT DRAFT 10.24.2025.docx

Hi Donna,

I have finished my final review of King & Queen's Bay Act ordinance, amended to include the new resiliency/mature tree requirements. I only had a few minor edits; it is attached, renamed with today's date. Thank you for your hard work on this, and it has been an education for me, too, as this is the first ordinance I've reviewed for the new requirements. I think it's going to be quite useful to me when reviewing future submissions! Please let me know if you have any questions, or if I can be of further assistance –

V'lent



R. V'lent Lassiter
Chesapeake Bay Locality Liaison
Water Division
[Virginia Dept. of Environmental Quality](#)
1111 East Main Street, Suite 1400
Richmond, VA 23219
(804) 350-0160

ARTICLE 12. CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT¹

Sec. 3-260. Title.

This article establishes the "Chesapeake Bay Preservation Area Overlay District" of King and Queen County, Virginia, pursuant to the purpose and intent set forth in Article 3.

(Ord. of 1-14-2008)

Sec. 3-261. Findings of fact.

The Chesapeake Bay and its tributaries are some of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of King and Queen County and the Commonwealth of Virginia. The health of the bay is vital to maintaining King and Queen 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 proximate to shorelines 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. With proper management, 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 of King and Queen County, Virginia, 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 King and Queen County and the Commonwealth of Virginia.

(Ord. of 1-14-2008)

Sec. 3-262. Relationship to other zoning districts and Virginia Code.

- A. This district shall be in addition to and shall overlay all other zoning districts where they are applied so that any parcel of land lying in the Chesapeake Bay Preservation Area Overlay District shall also lie in one or more of the other zoning districts provided for by the zoning ordinance. Unless otherwise stated in this article, the review and approval procedures provided for elsewhere in this ordinance; in the Land Subdivision and Development Ordinance, King and Queen County, Virginia; and/or in the Erosion and Sediment Control Ordinance for the County of King and Queen, Virginia, shall be followed in reviewing and approving development, redevelopment, and uses governed by this article.
- B. This article is enacted under the authority of Section 10.1-2100 et seq. (The Chesapeake Bay Preservation Act) and Section 15.2-2283, of the Code of Virginia. Section 15.2-2283 states that zoning ordinances may

¹Editor's note(s)—An ordinance adopted Jan. 14, 2008, amended Part II, art. 12, §§ 3-260—3-277, in its entirety, in effect deleting and reenacting Part II, art. 12, §§ 3-260—3-277, to read as set out herein. Former Part II, art. 12, §§ 3-260—3-277, pertained to similar subject matter and derived from Ord. of Feb. 10, 2003; Ord. of May 14, 2007(2); and Ord. of Dec. 12, 2007.

"also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and groundwater as defined in Section 62.1-255.

(Ord. of 1-14-2008)

Sec. 3-263. Definitions.

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

Adaptation measure means a project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

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.

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

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

Canopy tree means a tree that typically reaches 35 feet in height or taller when mature.

Chesapeake Bay Preservation Area means any land designated by the County of King and Queen pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9 VAC ~~10-2025-830-70~~-et seq., and Code of Virginia, § ~~10.1-210762.1-44.15:74~~. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.

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

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

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

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

Fill means material such as sand, soil, gravel, or crushed stone which is placed in an area, often to adjust elevation or create land contouring.

Highly erodible soils means soils (excluding vegetation) with an erodibility index (E1) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

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

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

Living shoreline means a shoreline management practice that: provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge. Pursuant to Va. Code §28.2-104.1, living shorelines are recognized as the preferred alternative for stabilizing shorelines in the Commonwealth. Only living shorelines shall be permitted for shoreline management unless the best available science shows that such approaches are not suitable.

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

Mature tree means a canopy tree with a diameter at breast height (DBH) of 12 inches or greater or an understory tree with a DBH of four (4) inches or greater.

Nature-based solution means an approach that reduces the impacts of sea-level rise, flooding, and storm events through the use of environmental processes and natural systems.

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

Nontidal wetlands 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.

Noxious weeds means weeds such as Johnson Grass, Kudzu, and multiflora rose.

Plan of development means the process for site plan or subdivision plat review to ensure compliance with Code of Virginia, § 10.1-210962.1-44.15:74 and this article, prior to any clearing and grading of a site and the issuance of a building permit.

Public road means a publicly available road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation (VDOT) including regulations promulgated pursuant to the Virginia Erosion and Stormwater Management Act and includes those roads where VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained or both, by a local government in accordance with the standards of that government.

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

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

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

Silvicultural activities means forest management activities, including but not limited to the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for

reforestation that are conducted in accordance with the silvicultural BMP's developed and enforced by the state forester pursuant to Code of Virginia, § 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of Virginia, § 58.1-3230.

Storm surge means the resulting temporary rise in sea level due to the action of wind stress on the water surface and low atmospheric pressure created during storms which can cause coastal flooding. Surge is the difference from expected tide level. Storm tide is the total water level.

Substantial alteration means expansion or modification of a building or development that will result in a disturbance of land exceeding an area of 2,500 square feet in the Resource Management Area only.

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

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

Understory tree means a tree that typically reaches 12 to 35 feet in height when mature.

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

Wetlands means tidal and nontidal wetlands.

(Ord. of 1-14-2008)

Sec. 3-264. Areas of applicability.

A. The Chesapeake Bay Preservation Area Overlay District shall apply to all lands identified as Chesapeake Bay Preservation Areas (CBPAs) as designated by the Board of Supervisors of King and Queen County, Virginia, and as shown on the Chesapeake Bay Preservation Area Map for King and Queen County, Virginia. The Chesapeake Bay Preservation Area Map for King and Queen County, Virginia, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article and the zoning district map for King and Queen County. The CBPAs are hereby divided into the resource protection area (RPA) and the resource management area (RMA).

(1) *The resource protection area includes:*

- (a) Tidal wetlands;
- (b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- (c) Tidal shores; and
- (d) A 100-foot vegetated buffer area located adjacent to and landward of the components listed in subsections (a) through (c) above, and along both sides of water bodies with perennial flow.

(2) The resource management area is composed of concentrations of the following land categories:

- (a) Floodplains;
- (b) Other sensitive lands with highly permeable, highly erodible and/or hydric soils; and
- (c) Slopes greater than 15 percent.

-
- (3) The resource management area shall consist of land areas outside the RPA shown to be ~~ef floodplains~~; highly permeable, highly erodible, ~~or hydric~~ soils ~~and slopes greater than 15 percent~~; provided, however, that the RMA shall consist of not less than a landward distance of 250 feet perpendicular and contiguous to the RPA.
 - (4) The Chesapeake Bay Preservation Area Map and the Sensitive Land Maps for King and Queen County, Virginia, show the general locations of CBPAs and should be consulted by persons contemplating activities within King and Queen County prior to engaging in a regulated activity.

(Ord. of 1-14-2008)

Sec. 3-265. Use regulations.

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by the underlying zoning district, unless specifically modified by the requirements set forth herein.

(Ord. of 1-14-2008)

Sec. 3-266. Lot size.

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient areas outside the RPA to accommodate an intended development, in accordance with the performance standards in this article, when such development is not otherwise allowed in the RPA.

(Ord. of 1-14-2008)

Sec. 3-267. Required conditions.

- A. All development and redevelopment exceeding 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 article 14 of this ordinance or a subdivision plat in accordance with the Land Subdivision and Development Ordinance, King and Queen County, Virginia.
- B. Development in RPAs may be allowed, subject to approval by King and Queen County, only if it (i) is water-dependent or (ii) constitutes redevelopment.
 - (1) A new or expanded water-dependent facility may be allowed provided that the following criteria are met:
 - a. It does not conflict with the comprehensive plan;
 - b. It complies with the performance criteria set forth in this article;
 - c. Any nonwater-dependent component is located outside of resource protection areas; and
 - d. Access to the water-dependent facility will be provided with the minimum disturbance necessary. Where practicable, a single point of access will be provided.
 - (2) Redevelopment shall be permitted in the resource protection area only if there is no increase in the amount of impervious cover and no further encroachment within the Resource Protection Area; ~~and it shall conform to the Erosion and Sediment Control Ordinance for the County of King and Queen, Virginia, and stormwater management criteria consistent with the water quality protection provisions of the Virginia Erosion and Stormwater Management Act and their attendant regulations (4 VAC 3-20-71 et seq.) of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.) shall be~~

satisfied consistent with the stormwater requirements of this ordinance, [as well as all applicable stormwater management requirements of other state and federal agencies](#).

- C. A water quality impact assessment shall be required for any proposed land disturbance, development or redevelopment within RPAs and for any development within RMAs when required by the zoning administrator because of the unique characteristics of the site or intensity of development.

(Ord. of 1-14-2008)

Sec. 3-268. Conflict with other regulations.

In any case where the requirements of this article conflict with any other provision of the King and Queen County Code or existing state or federal regulations, whichever imposes the more stringent restrictions shall apply.

(Ord. of 1-14-2008)

Sec. 3-269. Interpretation of Chesapeake Bay Preservation Area boundaries.

- A. *Delineation by the applicant.* The site-specific boundaries of the resource protection area and the resource management area shall be determined by the applicant through the performance of an environmental site assessment [during the review of a plan of development and](#), subject to approval by the zoning administrator and in accordance with section 3-274, ~~(Plan of development)~~ of this article or [during the review of a water quality impact assessment](#) (section 3-273), ~~(Water quality impact assessment)~~ of this article. The official zoning district map of King and Queen County, Virginia, the Chesapeake Bay Preservation Area Maps and the sensitive land maps for King and Queen County, Virginia, shall be used as a guide to the general location of resource protection areas and the resource management areas. Each request for any activity within the CBPAs will be determined on a site-specific basis related to the property.
- B. *Delineation by the zoning administrator.* The zoning administrator, when requested by an applicant wishing to construct a single-family residence, or additions to existing homes, or utility buildings, garages and other structures accessory to single-family residences, may waive the requirement for an environmental site assessment and perform the onsite delineation. The zoning administrator may use, hydrology, soils, plant species, and other data, and consult other appropriate resources as needed to perform the delineation.
- C. *Where conflict arises over delineation.* When the applicant provides a site-specific delineation of the RPA and RMA, the zoning administrator shall verify the accuracy of the boundary delineation. In determining the site-specific RPA or RMA boundaries, the zoning administrator may render adjustments to the applicant's boundary delineation. In the event the adjusted boundary delineation is contested by the applicant, the applicant may seek relief, as provided for elsewhere in this article or in this ordinance.

(Ord. of 1-14-2008)

Sec. 3-270. Performance standards.

- A. *Purpose and intent.* The performance standards establish the means to minimize erosion and sedimentation potential, reduce land application of nutrients and toxins, 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 storm water runoff. Minimizing impervious cover enhances rainwater infiltration and effectively reduces storm water runoff potential.

The purpose and intent of these requirements are also to implement the following objectives: prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice; achieve a ten percent reduction in nonpoint source pollution from redevelopment where the runoff was not treated by one or more water quality best management practices; and achieve a 40 percent reduction in nonpoint source pollution from agricultural and silvicultural uses.

B. *General performance standards for development and redevelopment.*

- (1) Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
 - (a) In accordance with an approved site plan, the limits of land disturbance, including clearing or grading, shall be strictly defined by the construction footprint. These limits shall be clearly shown on submitted plans and physically marked on the development site.
 - (b) The construction footprint shall not exceed 60 percent of the lot.
 - (c) Ingress and egress during construction shall be limited to one 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 and in accordance with the Virginia Erosion and Sediment Control Stormwater Management Handbook.
 - (a) Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.
 - ~~(ba)~~ Existing trees over six inches diameter at breast height (DBH) shall be preserved outside the construction footprint.
 - ~~(c)~~ Diseased trees or trees weakened by age, storm, fire, or other injury may be removed.
 - ~~(bd)~~ Clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the zoning administrator.
 - ~~(ee)~~ Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five feet outside of the drip line of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- (3) Land development shall minimize impervious cover to promote infiltration of storm water into the ground consistent with the proposed use or development.
 - (a) Grid and modular pavements shall be used for any required parking area, alley, or other low traffic driveway, unless otherwise approved by the zoning administrator.
 - (b) Parking areas and driveways shall be designed so as to minimize impervious surfaces.
- (4) Notwithstanding any other provisions of this article or exceptions or exemptions thereto, any land disturbing activity exceeding 2,500 square feet, including construction of all single-family houses, septic tanks, and drain fields, shall comply with the requirements of the Erosion and Sediment Control Ordinance for the County of King and Queen, Virginia.
- (5) All on-site sewage disposal systems not requiring an VPDES permit shall be pumped out at least once every five years, in accordance with the provisions of the King and Queen County Health Code. Note: Alternatives for pump-out are also permitted including the installation of a plastic filter in the outflow pipe from the septic tank as long as the filter satisfies the standards established in the Sewage Handling and Disposal Regulations under 12 VAC 5-6-10 et. seq. as administered by the Virginia Department of

Health or owners of on-site sewage treatment systems may submit, every five years, documentation certified by a sewage handler permitted by the Virginia Department of Health that the septic system has been inspected and is functioning properly and does not need to be pumped out.

- (6) 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 King and Queen County Health Code. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the local health department. Building or 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 department](#), until the structure is served by public sewer.
- (7) [Any Chesapeake Bay Preservation Act land disturbing activity, as defined in Virginia Code § 62.1-44.15:24 shall comply with the requirements of 9 VAC 25-875-740 and 9 VAC 25-875-750](#)~~For any proposed use, development or redevelopment, storm water runoff shall be controlled by the use of BMP's consistent with the water quality protection provisions of the Virginia Stormwater Management Regulations (4 VAC 3-20-10 et seq.) and the Virginia Stormwater Management Handbook that achieve the following:~~
 - ~~(a) For development, the post-development nonpoint source pollution runoff load shall not exceed the pre-development load, based on the calculated average land cover condition for Virginia's Chesapeake Bay Watershed (0.45 pounds of phosphorus per acre per year).~~
 - ~~(b) For redevelopment sites, the nonpoint source pollution load shall be reduced by at least ten percent. The zoning administrator may waive or modify this requirement for redevelopment sites that originally incorporated BMP's for storm water runoff quality control, provided the following provisions are satisfied:~~
 - ~~(i) In no case may the post-development nonpoint source pollution runoff load exceed the pre-development load;~~
 - ~~(ii) Runoff pollution loads must have been calculated and the BMPs selected for the expressed purpose of controlling nonpoint source pollution; and~~
 - ~~(iii) If BMP's are structural, evidence shall be provided that facilities are currently in good working order and performing at the design levels of service. The zoning administrator may require a review of both the original structural design and maintenance plans to verify this provision. A new maintenance agreement shall be required to ensure compliance with this article.~~
 - ~~(c) For redevelopment, both the pre- and post-development loadings shall be calculated by the same procedures. However, where the design data are available, the original post-development nonpoint source pollution loadings can be substituted for the existing development loadings.~~
- (8) 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.
- (9) Land upon which agricultural activities are being conducted shall have a soil and water quality conservation assessment. Such assessment shall be based upon the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resources Conservation Service or the January 2001 edition of the "Virginia Agricultural BMP Manual" of the Virginia Department of Conservation and Recreation, and 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 that accomplish water quality protection consistent with this ordinance.

(Ord. of 1-14-2008)

Sec. 3-271. Buffer area requirements—Purpose.

To minimize the adverse effects of human activities on the other components of resource protection areas, state waters, and aquatic life, a 100-foot 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 planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.

~~The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be designated as the landward component of the resource protection area.~~

The buffer area shall be located adjacent to and landward of other RPA components and along both sides of any water body with perennial flow. The 100-foot full buffer area shall be designated as the landward component of the resource protection area, in accordance with sections 3-~~263-264~~ (Areas of applicability) and 3-~~273-274~~ (Plan of development) of this article. Notwithstanding permitted uses, encroachments, and vegetation clearing, as set forth in section 3-272 and this section, the 100-foot buffer area is not reduced in width.

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

(Ord. of 1-14-2008)

Sec. 3-272. Buffer area performance standards.

The buffer area shall be maintained to meet the following additional performance standards:

- A. In order to maintain the functional value of the buffer area, indigenous vegetation may be removed only subject to approval by the zoning administrator to provide for reasonable sight lines, access paths, general woodlot management, and BMP's, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - (1) Trees may be pruned or removed as necessary to provide for sight lines and vistas; provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and any removal should be limited to the fewest number of trees feasible. When trees are removed to provide for sight lines and vistas, they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function and to protect the quality of state waters. Inclusion of native species in tree replanting is preferred.
 - (2) Any path shall be constructed and surfaced so as to effectively control erosion.
 - (3) Dead, diseased, or dying trees or shrubbery and may be removed. The thinning of trees may be allowed pursuant to sound horticultural practice as permitted by the zoning administrator.
 - (4) For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements. The removal of mature trees for the installation and maintenance of proposed shoreline erosion control projects shall only be permitted as necessary and consistent with the

best available technical advice, approved project plants, and applicable permit conditions or requirements. Trees shall be utilized in the project when vegetation is being established as appropriate to the site conditions and project specifications. Inclusion of native species in tree planting is preferred.

(5) Shoreline erosion control within the RPA shall be consistent with the Wetlands Act (Chapter 13 Title 28.2), the Virginia Marine Resources Commission (VMRC) Tidal Wetlands Guidelines which provide for "minimum standards for the protection and conservation of wetlands," and "ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazard."

- B. When the application of the buffer areas would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the buffer area may be permitted through an administrative process in accordance with the requirements for a plan of development and the following criteria:
- (1) Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
 - (2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment and is an area equal to the area encroaching the buffer area shall be established elsewhere on the lot or parcel. Where established, such vegetated area shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred; and
 - (3) The encroachment may not extend into the seaward 50 feet of the buffer area.
- C. 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. Encroachments into the agricultural buffer area may be permitted as follows:
- (1) Agricultural activities may encroach into the landward 50 feet of the 100-foot wide buffer area when at least one agricultural best management practice, which, in the opinion of the Three Rivers Soil and Water Conservation District Board, addresses the more predominant water quality issue on the adjacent land - erosion control or nutrient management - is being implemented on the adjacent land, provided that the combination of the undisturbed buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot wide buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil test, must be developed consistent with the "Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-15-85 et seq.) administered by the Virginia Department of Conservation and Recreation Soil and Water Conservation Board.
 - (2) Agricultural activities may encroach within the landward 75 feet of the 100-foot wide buffer area when agricultural BMP's 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 50-15-85 et seq.) administered by the Virginia Department of Conservation and Recreation Soil and Water Conservation Board. In conjunction with the remaining buffer area, this collection of BMP's shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot wide buffer area.

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- (3) 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 BMP's as considered by the ~~local soil and water conservation district~~ Three Rivers Soil and Water Conservation District to address the more predominant water quality issue on the adjacent land - either erosion control or nutrient management.
- (4) If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the local government, in cooperation with the Three Rivers 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 considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
- (5) In cases where the landowner or the landowner's agent or operator has refused assistance from the Three Rivers Soil 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 local government. The local government shall require the landowner to correct the problems within a specified period not to exceed 18 months from their initial notification of the deficiencies to the landowner. The local government, in cooperation with the district, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
- D. Where land uses such as agriculture or silviculture within the area of the buffer cease and the lands are proposed to be converted to other uses, the full 100-foot buffer shall be re-established and management measures shall be under taken to provide woody vegetation that assures the buffer functions as set forth in section 3-270. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
- E. Adaptation measures proposed for location within the Resource Protection Area, shall meet the following conditions:
- (1) The selected adaptation measure shall be a nature-based solution that uses environmental processes, natural systems, or natural features identified as being appropriate for existing site conditions.
- (2) An identified adaptation measure shall be selected from one of the following sources: Chesapeake Bay program approved BMP list, the Virginia Stormwater BMP Clearinghouse, the VMRC Tidal Wetlands Guidelines, or be a project that is eligible for funding by the Virginia Community Flood Preparedness Fund Grant.
- a. Adaptation measures should consist of trees, vegetation, stone or enhance existing natural elements.
- (3) Adaptation measures approved for use in the RPA shall be designed, installed, and maintained in accordance with the applicable specifications for the selected adaptation measure.
- (4) Adaptation measures should be placed channelward of the proposed development whenever possible and should maximize the preservation of mature trees and other natural vegetation to minimize adverse impacts to the RPA and to maximize water quality benefits.
- (5) The use of fill as a component of an adaptation measure may be permitted, provided it meets the following conditions:

- a. The grading and slope created by the use of fill shall be no greater than necessary based upon the project specifications and implemented in a manner that minimize the impact of run-off.
- b. Fill shall have the necessary biogeochemical characteristics, including sufficient organic content, to support the growth of vegetation and adequate permeability to allow infiltration consistent with project specifications.
- c. The use of fill shall not exacerbate stormwater run-off, and lateral flow onto adjacent properties shall be controlled.
- i. Any impacts on the management of stormwater upland of the Resource Protection Area created by the use of fill shall be mitigated, as necessary.
- d. The use of fill for an adaptation measure shall not negatively impact septic systems and drainfields located within the RPA. Where present, the proximity of the adaptation measure using fill should be considered such that the fill will not interfere with the proper function or maintenance of either of these features.
- e. The use of fill shall be consistent with any applicable local, state, or federal floodplain requirements. The applicant shall provide documentation to verify that proposed adaptation measures do not conflict with any constraints or requirements of floodplain management or flood control provision, including federal floodplain management regulations found in Title 44 CFR Part 60. The allowance of fill under these provisions does not negate those independent requirements.
- f. The placement of fill allowed for Living Shoreline projects, to establish appropriate elevations to support required vegetation, shall be consistent with the fill requirements of this subsection, in that a change in slope or land elevation may not alter water flow in contravention with the fill requirements of this subsection.
- (6) The preservation of existing natural vegetation shall be maximized, including mature trees, and land disturbance consistent with design specifications shall be minimized.
- (7) Adaptation measures shall comply with all federal, state and local requirements, including any required permits and conditions such as the need for a Water Quality Impact Assessment.
- (8) Nothing in these provisions shall be construed to authorize approval or allowance of an adaptation measure in violation of floodplain management requirements.

(Ord. of 1-14-2008)

Sec. 3-273. Water quality impact assessment and resiliency assessment.

- A. *Purpose and intent.* The purpose of the water quality impact assessment is to: (i) identify the impacts of proposed development on water quality and lands within RPAs and other environmentally-sensitive lands; (ii) ensure that, where development does take place within RPAs and other sensitive lands, it will be located 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 the terms of this article when warranted and in accordance with the requirements contained herein; and (v) specify mitigation which will address water quality protection.
- B. *Water quality impact assessment required.* A water quality impact assessment is required for: (i) any proposed use, land disturbance, development or redevelopment within an RPA, including any buffer area

modification or encroachment as provided for in the performance standards in this article; and (ii) any development in a RMA as deemed necessary by the zoning administrator due to the unique characteristics of the site or intensity of the proposed development. There shall be two levels of water quality impact assessments: a minor assessment and a major assessment.

- C. *Minor water quality impact assessment.* A minor water quality impact assessment pertains only to development within CBPAs, which causes no more than 5,000 square feet of land disturbance and proposes any modification of or encroachment into the landward 50 feet of the 100-foot buffer area. A minor assessment must demonstrate through acceptable calculations that the undisturbed buffer area, enhanced by vegetative plantings and required stormwater BMP's will result in removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development storm water runoff, and ~~that~~ will retard runoff, prevent erosion and filter nonpoint source pollution the equivalent of the full undisturbed 100-foot buffer area. A minor assessment shall include a site drawing to scale, which shows the following:
- (1) Location of the components of the RPA, including the 100-foot buffer area and the RMA.
 - (2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; limits of land disturbance and the areas of clearing or grading; location of any structures, drives or other impervious cover; and sewage disposal systems or reserve drain field sites.
 - (3) Type and location of proposed BMP's to vegetative mitigate mitigation for the proposed encroachment and/or required stormwater BMPs.
 - (4) Location of existing vegetation on site, including the number and type of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification.
 - (5) Re-vegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, and erosion and runoff control.
- D. *Major water quality impact assessment.* A major water quality impact assessment shall be required for any development which (i) exceeds 5,000 square feet of land disturbance within CBPAs and proposes any modification or encroachment into the landward 50 feet of the 100-foot buffer area; (ii) proposes to disturb any portion of the seaward 50 feet of the 100-foot buffer area or any other component of an RPA; or (iii) is located in an RMA and is deemed necessary by the zoning administrator. The information required in this section 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 following elements shall be included in the preparation and submission of a major water quality assessment:

~~[(1)–(3)] Reserved.~~

(14) — All of the information required in a minor water quality impact assessment.

(25) — A hydrogeological element that:

- (a) Describes the existing topography, soils, hydrology and geology 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 destruction 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;

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- (iv) Source location and description of proposed fill material;
 - (v) Location of dredge material and location of dumping area for such material;
 - (vi) Estimation of pre- and post-development pollutant loads in runoff;
 - (vii) Estimation of percent increase in impervious surface on site and type(s) of surfacing materials used;
 - (viii) Percent of site to be cleared for project;
 - (ix) Anticipated duration and phasing schedule of construction project; and
 - (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 mitigation measures include:
- (i) Additional proposed erosion and sediment control concepts beyond those normally required under section 3-270 of this article; concepts may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;
 - (ii) Proposed storm water management system for nonpoint source quality and quantity control.
- ~~(3)~~ 6 — A landscape element that:
- (a) Identifies and delineates the location of all significant plant material on site, including all trees six inches or greater diameter at breast height or, where there are groups of trees, stands may be outlined.
 - (b) Describes the impacts that 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 significant plant material ~~which will be removed~~proposed for removal within the RPA; and
 - (iii) General description of vegetation 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 significant vegetation removed for construction, including a list of proposed plants and trees to be used;
 - (ii) Demonstration that the revegetation 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 overland flow benefits from such vegetation; and
 - (iv) Demonstration that indigenous plants are to be used (to the greatest extent possible).
- (4) A wastewater element, where applicable, that:
- (a) Includes calculations and locations of anticipated drain field or wastewater irrigation areas;

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- (b) Provides justification for sewer line locations in environmentally sensitive areas, where applicable, and describes construction techniques and standards;
 - (c) Discusses any proposed on-site collection and treatment systems, their treatment levels, and impacts on receiving watercourses; and
 - (d) Describes the potential impacts of the proposed wastewater systems, including the proposed mitigative measures for these impacts.
- (5) Identification of the existing characteristics and conditions of sensitive lands included as components of Chesapeake Bay Preservation Areas, as defined in this article.
- (6) Identification of the natural processes and ecological relationships inherent in the site, and an assessment of the impact of the proposed use and development of land on these processes and relationships.

E. *Submission and review requirements.*

- (1) Five copies of all site drawings and other applicable information as required by water quality impact assessments shall be submitted to the zoning administrator for review.
- (2) All information required in this section shall be certified as complete and accurate by a professional engineer or a certified land surveyor.
- (3) A minor water quality impact assessment shall be prepared and submitted to and reviewed by the zoning administrator in conjunction with the plan of development.
- (4) A major water quality impact assessment shall be prepared and submitted to and reviewed by the zoning administrator in conjunction with a request for rezoning, special use permit, or in conjunction with the plan of development, as deemed necessary by the zoning administrator.
- (5) As part of any major water quality impact assessment submittal, the zoning administrator may require review by the ~~Chesapeake Bay Local Assistance Department (CBLAD)~~[Department of Environmental Quality \(DEQ\)](#). Upon receipt of a major water quality impact assessment, the zoning administrator will determine if such review is warranted and may request [CBLAD-DEQ](#) to review the assessment and respond with written comments. Any comments by [CBLAD-DEQ](#) will be incorporated into the final review by the zoning administrator, provided that such comments are provided by [CBLAD-DEQ](#) within 90 days of the request.

F. *Evaluation procedures.*

- (1) Upon the completed review of a minor water quality impact assessment, the zoning administrator will determine if any proposed modification of or encroachment into the buffer area is consistent with the provisions of this article and make a finding based upon the following criteria:
 - (a) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;
 - (b) Impervious surface is minimized;
 - (c) Proposed [BMP's mitigation for proposed encroachments into the RPA](#), where required, achieve the requisite reductions in pollutant loadings;
 - (d) The development, as proposed, meets the purpose and intent of this article; and
 - (e) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

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- (2) Upon the completed review of a major water quality impact assessment, the zoning administrator will determine if the proposed development is consistent with the purpose and intent of this article and make a finding based upon the following criteria:
- (a) Within any RPA, the proposed development is water dependent or redevelopment;
 - (b) The disturbance of any wetlands will be minimized;
 - (c) The development will not result in significant disruption of the hydrology of the site;
 - (d) The development will not result in significant degradation to aquatic vegetation or life;
 - (e) The development will not result in unnecessary destruction of plant materials on site;
 - (f) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off-site sedimentation;
 - (g) Proposed storm water management concepts are adequate to control the storm water runoff to achieve the required performance standard for pollutant control;
 - (h) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;
 - (i) The design and location of any proposed drain field will be in accordance with the requirements of performance standards of this article;
 - (j) The development, as proposed, is consistent with the purpose and intent of the Chesapeake Bay Preservation Area Overlay District; and
 - (k) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.
- (3) The zoning administrator shall require additional mitigation where potential impacts have not been adequately addressed. Evaluation of mitigation measures will be made by the zoning administrator based on the criteria listed above in this subsection for minor and major water quality impact assessments.
- (4) The zoning administrator shall find the proposal to be inconsistent with the purpose and intent of this article when the impacts created by the proposal cannot be mitigated. Evaluation of the impacts will be made by the zoning administrator based on the criteria listed in this subsection for minor and major water quality impact assessments.

G. *Resiliency Assessments.* A resiliency assessment that considers the potential impacts of sea level rise, storm surge, and flooding on buffer function in light of a proposed RPA encroachment is required during the review of a plan of development or other review process. Such an assessment is to be based upon the RPA as delineated at the time of the proposed land development and is required in addition to all other requirements of this and other local ordinances.

- (1) At a minimum the resiliency assessment must evaluate the anticipated impacts of sea level rise, flooding, and storm surge on the parcel and the proposed project, based upon a review of approved models and forecasts, to include the following:

- (a) For sea level rise, use the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High scenario projection curve, or any subsequently updated version thereof, on the project site. Sea level rise data can be accessed on the AdaptVA website, maintained by the Virginia Institute of Marine Science (VIMS). When determining potential sea-level rise impacts, both the extent of anticipated inland migration as well as the water depth should be identified.

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- (b) For storm surge, use the most up to date NOAA hydrodynamic Sea, Lake, and Overland Surges Hurricanes (SLOSH) model on the project site. Storm surge data can be accessed on the AdaptVA website based upon a Category 1 storm.
- (c) For flooding, use the most up to date Special Flood Hazard Area and the Limit of Moderate Wave Action (LiMWA) model on the project site according to the Virginia Flood Risk Information System (VFRIS) model in conjunction with the requirements and application of the King and Queen County floodplain management ordinance. VFRIS includes the Flood Insurance Rate Maps, flood insurance studies, and associated models produced by the Federal Emergency Management Agency. When identifying flooding impacts, the applicant may rely on existing use and application of the relevant Special Flood Hazard Area. This data is also accessible on the AdaptVA website.
- (d) The anticipated impacts shall be based upon a thirty (30) year timeframe, unless the applicant demonstrates that the lifespan of the project proposed for development is less than thirty (30) years.
- (2) An applicant may propose conducting the resiliency assessment for review and approval with the required evaluation by submitting:
- (a) A narrative report and scale drawings that analyzes the results of the data and graphic research, and provides the following information:
- Define the intended service life of the proposed structure(s).
 - Identification of information required in (1) above with the extent of such impacts included on the site plan or other drawings.
 - Identification of any proposed impact directly from proposed impervious cover or structures in the RPA and the extent of such impact.
 - Identification of extent of impact on the current buffer area including impacts to existing vegetation from the landward movement of water and vegetative migration.
 - Describe the extent to which anticipated impacts can be or have been mitigated by altering the location design, size, or orientation of proposed structures or impervious cover, by preserving and/or supplementing existing buffer areas as provided for in Section 108 of this Ordinance, and/or by considering other limiting site conditions including required setbacks and parcel size, and/or by proposing an adaptation measure in accordance with the provisions of Section 108.
 - Identification of the utilization of existing local programs that already take potential impacts into account through the building permit or site design review processes, such as freeboard requirements enacted through the local floodplain ordinance.
- (3) The Zoning Administrator will review the resiliency assessment along with the water quality impact assessment and determine whether the anticipated impacts necessitate an alteration or conditions to the proposed project or implementation of an adaptation measure for approval.
- (a) In considering whether a requirement for project alteration or adaptation measure is appropriate, the Zoning Administrator will ensure that the proposed alteration or adaptation measure is practical, achievable, and necessary to mitigate the identified impact.
- (b) Where possible, consideration will be given to modifying the proposed development size or location, such that the extent of land disturbance or impervious cover can be reduced to avoid or minimize the area or areas of the parcel that the assessment indicates will be impacted.

- (c) If the resiliency assessment reveals that impacts on the parcel can be addressed by structural design or siting alterations, then supplemental information on the potential alterations shall be provided for consideration by the Zoning Administrator. Supplemental information may include additional sketches or plans, including plan and section views, building specifications, and other supporting materials.
- (d) Approval may be conditioned on the implementation of the proposed alterations, conditions, or adaptation measure.
- (e) The resiliency assessment may also indicate that no alterations, conditions, or adaptation measures are required, in which case the applicant may proceed through the remainder of the approval process.
- (4) Should an impact from sea-level rise, storm surge, or flooding be identified that exceeds available design alterations, approval of the proposed project should then be conditioned with the requirement for an adaptation measure based upon the adaption measure meeting the requirements of 3-272.

(Ord. of 1-14-2008)

Sec. 3-274. Plan of development process.

The plan of development process as described in this article must be followed for all development or redevelopment in CBPA's requiring a zoning permit, building permit, special exception permit, conditional use permit, wetlands permit, rezoning request, or subdivision request.

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

- A. *Required information.* In addition to the requirements of article 14 of this ordinance or the requirements of the subdivision ordinance, or any other related ordinances, 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 site plan or a subdivision plat;
 - (2) An environmental site assessment;
 - (3) A landscape plan;
 - (4) A storm water management plan; and
 - (5) An erosion and sediment control plan in accordance with the provisions of the Erosion and Sediment Control Ordinance for the County of King and Queen, Virginia.
- B. *Site plan.* A site plan shall be submitted in accordance with article 14, or a preliminary subdivision plat, in accordance with the Land Subdivision and Development Ordinance.
- C. *Environmental site assessment.* An environmental site assessment shall be submitted in conjunction with preliminary site plan or preliminary subdivision plan approval.
- (1) The following site assessment shall be drawn to scale and clearly delineate the following environmental features:
 - (a) Tidal wetlands;

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- (b) Tidal shores;
 - (c) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
 - (d) Boundaries of the Dragon Run Conservation District; and
 - (e) A 100-foot buffer area located adjacent to and landward of the preceding components;
- D. *Landscaping plan.* A landscaping plan shall be submitted in conjunction with site plan approval or as part of subdivision plat approval. No clearing or grading of any lot or parcel shall be permitted without an approved landscaping plan.

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

(1) *Contents of the plan.*

- (a) The landscaping plan shall be drawn to scale and clearly delineate the location, size, and description of existing and proposed plant material. All existing canopy trees and understory trees on the site six inches or greater DBH shall be shown on the landscaping plan. Where there are groups of trees, stands may be outlined instead, except for mature trees, which shall be individually identified. The specific number of mature trees, canopy trees and understory trees six inches or greater DBH to be preserved outside of the construction footprint shall be indicated on the plan. All trees to be removed to create a desired construction footprint shall be clearly delineated on the landscaping plan. Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.
- (b) Any requiredThe RPA buffer area shall be clearly delineated, if present, and any plant material to be added to establish or supplement the buffer area, as required by this article, shall be shown on the landscaping plan. Trees should be used for mitigation and supplementation of the buffer area to the extent practicable and as appropriate to the site conditions and project specifications. Native species will be used to the greatest extent possible.
- (c) Within the buffer area, trees to be removed for sight lines, vistas, access paths, and BMP's, as provided for in this article, shall be shown on the plan. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit. Any removal of mature trees should be limited to the fewest number of trees feasible. When mature trees are removed to provide for site lines and vistas, access paths or BMPs, they shall be replaced with trees as appropriate to site conditions. Vegetation required by this article to replace any existing trees within the buffer area shall also be shown on the landscaping plan.
- (d) Trees to be removed for shoreline stabilization projects and any replacement vegetation required by this article shall be shown on the landscaping plan.
- (e) The plan shall depict grade changes or other work adjacent to trees, which 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 landscaping plan will include specifications for the protection of existing trees during clearing, grading, and all phases of construction.

(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.

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- (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 on an approved landscaping plan are encroached, replacement of existing trees and other vegetation will be achieved at a ratio of three planted trees to one removed. Replacement trees shall be a minimum three and one-half inches DBH at the time of planting.
 - (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 article.
 - (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 article.
 - E. *Storm water management plan.* A storm water management plan [compliant with the requirements of the Virginia Erosion and Stormwater Management Program \(VESMP\)](#) shall be submitted as part of the plan of development process required by this article and in conjunction with site plan or subdivision plan approval.
 - ~~(1) — Contents of the plan. The storm water management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and citations to supporting references as appropriate to communicate the information required by this article. At a minimum, the storm water management plan must contain the following:~~
 - ~~(a) — Location and design of all planned storm water control devices;~~
 - ~~(b) — Procedures for implementing non-structural storm water control practices and techniques;~~
 - ~~(c) — Pre and post development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations; and~~
 - ~~(d) — For facilities, verification of structural soundness, including a Professional Engineer or Class III B Surveyor Certification.~~
 - ~~(2) — Site specific facilities shall be designed for the ultimate development of the contributing watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.~~
 - ~~(3) — All engineering calculations must be performed in accordance with procedures outlined in the current edition of the Virginia Stormwater Management Handbook.~~
 - ~~(4) — The plan shall establish a long-term schedule for inspection and maintenance of storm water management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than King and Queen County then a maintenance agreement shall be executed between the responsible party and King and Queen County.~~
 - F. *Erosion and sediment control plan.* An erosion and sediment control plan shall be submitted that satisfies the requirements of this article and in accordance with the [Erosion and Sediment Control Ordinance](#) for the County of King and Queen, Virginia in conjunction with site plan or subdivision plan approval.
 - G. *Final plan.* Final plans for property within CBPA's shall be final plats for land to be subdivided or site plans for land not to be subdivided as required in article 14 (Site plan requirements) of this ordinance.
 - (1) Final plans for all lands within CBPA's shall include the following additional information:

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- (a) The delineation of the resource protection area and the resource management area boundaries;
 - (b) The delineation of required buffer areas;
 - (c) All wetlands permits required by law; and
 - (d) A maintenance agreement as deemed necessary and appropriate by the zoning administrator to ensure proper maintenance of BMP's in order to continue their functions.

(2) *Installation and bonding requirements.*

- (a) Where buffer areas, landscaping, storm water management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.
- (b) When the occupancy of a structure is desired prior to the completion of the required landscaping, storm water management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the applicant provides to King and Queen County a form of surety satisfactory to the zoning administrator in amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or other specifications and/or maintenance costs for any required storm water management facilities.
- (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 King and Queen County.
- (d) All required storm water management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to King and Queen County. King and Queen County may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- (e) After all required actions of the approved site plan have been completed; the applicant must submit a written request for a 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 60 days following the 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.

H. *Administrative responsibility.* Administration of the plan of development process shall be in accordance with article 22 of the zoning ordinance or article 3 of the U and S subdivision and D development Ordinance of King and Queen County, Virginia.

I. *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 and recommended conditions or modifications are unacceptable to the applicant, the applicant may appeal such administrative decision in accordance with Va. Law. to the planning commission. In granting or denying an appeal, the planning commission must find such plan to be in accordance with all applicable ordinances and include necessary elements to mitigate any detrimental impact on water quality and upon adjacent property and the surrounding area, or such plan meets the purpose and intent of the performance standards in this article. If the planning commission finds that the applicant's plan does not meet the above stated criteria, they shall deny approval of the plan.

The applicant may then file with the board of zoning appeals for a variance to the requirements of this article as provided for in article 20 of this ordinance.

(Ord. of 1-14-2008)

Sec. 3-275. Nonconforming use and noncomplying structures.

A. The lawful use of a building or structure which existed on November 14, 1991, ~~or which exists at the time of any amendment to this article,~~ and which is not in conformity with the provisions of the Chesapeake Bay Preservation Area Overlay District may be continued in accordance with article 17 (Nonconforming uses) of this ordinance.

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

(1) ~~A.~~ The zoning administrator may grant a nonconforming use and development waiver for legal principal structures on legal nonconforming lots or parcels to provide for remodeling and alterations or additions to such nonconforming structures provided that:

(1a) There will be no increase in nonpoint source pollution load; and

(2b) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of this article.

(2B) An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the zoning administrator and shall include for the purpose of proper enforcement of this article, the following information:

(a1) Name and address of applicant and property owner;

(b2) Legal description of the property and type of proposed use and development;

(c3) 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; and

(d4) Location and description of any existing private water supply or sewage system.

(3C) A nonconforming use and development waiver shall become null and void 12 months from the date issued if no substantial work has commenced.

(4D) An application for the expansion of a legal principal nonconforming structure may be approved by the administrator through an administrative review process provided that the following findings are made:

(a)1. The request for the waiver is the minimum necessary to afford relief;

(b)2. Granting the waiver will not confer upon the applicant any specific privileges that are denied by this article to other property owners in similar situations;

(c)3. The waiver is in harmony with the purpose and intent of this article and does not result in water quality degradation;

(d)4. The waiver is not based on conditions or circumstances that are self-created or self-imposed;

(e)5. Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality;

(f)6. Other findings, as appropriate and required by King and Queen County are met; and

(g)7. In no case shall this provision apply to accessory structures.

(Ord. of 1-14-2008)

Sec. 3-276. Exemptions.

- A. *Exemptions for utilities, railroads, public roads and facilities.* Construction, installation, operation, and maintenance of electric, natural gas, fiber-optic, and telephone transmission lines, railroads, and public roads and their appurtenant structures in accordance with (i) regulations promulgated pursuant to the [Erosion and Sediment Control Law \(Code of Virginia, § 10.1-560 et seq.\)](#) and the [Virginia Erosion and Stormwater Management Act \(Code of Virginia, § 10.1-603.1 et seq.\)](#), (ii) an erosion and sediment control plan and a stormwater management plan approved by the Virginia Department of [Conservation and Recreation Environmental Quality](#), or (iii) local water quality protection criteria at least as stringent as the above state requirements are deemed to comply with this article. The exemption of public roads is further conditioned on the following:
- (1) The [zoning administrator or designee has determined that 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 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, and natural gas lines, underground telecommunication and cable television [lines](#) owned, permitted or both, by King and Queen County or regional service authority shall be exempt from the Chesapeake Bay Preservation Area Overlay District provided that:
- (1) To the degree possible, the location of such utilities and facilities shall be outside RPAs;
 - (2) No more land shall be disturbed than is necessary to provide for the proposed utility installation;
 - (3) All construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits and designed and conducted in a manner that protects water quality; and
 - (4) Any land disturbance exceeding an area of 2,500 square feet complies with all King and Queen County erosion and sediment control requirements.
- [BC](#). *Exemptions for silvicultural activities.* Silvicultural activities are exempt from the requirements of this article provided that silvicultural operations adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the [January 1997 March 2011](#) edition of "[Virginia's Forestry BMP's Best Management Practices for Water Quality in Virginia](#)" [Technical guideManual](#)", or subsequent editions. [The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in Chesapeake Bay Preservation Areas.](#)
- [CD](#). *Exemptions in resource protection areas.* The following land disturbances in resource protection areas may be exempt from the Chesapeake Bay Preservation Area Overlay District: (i) water wells; (ii) passive recreation facilities such as boardwalks, trails, and pathways; and (iii) historic preservation and archaeological activities, provided that it is demonstrated that:
- (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; and
 - (4) Any land disturbance exceeding an area of 2,500 square feet shall comply with all King and Queen County erosion and sediment control requirements.
- [DE](#). *Exemption from RMA designation.*

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- (1) An applicant may apply to have his property made exempt from the requirements of the resource management area. An RMA limits study indicating the location, concentration, or absence of the following physical characteristics must be submitted to the zoning administrator:
 - (a) Floodplain.
 - (b) Highly erodible soils.
 - (c) Steep slopes greater than 15 percent.
 - (d) Highly permeable soils.
 - (e) Hydric soils (non-tidal wetlands).
 - (2) *Resource management area exemption decision.*
 - (a) Upon receipt of the RMA limits study, the zoning administrator shall within 30 days review the study during which time shall determine the following:-
 - Are there RPA components contiguous to or within 250 feet of any portion of the area proposed for exemption;
 - Are there RMA components located on any portion of the property proposed for exemption;
 - Does the RMA study accurately demonstrating the absence or existence of RMA components and the proximity of RPA components;
 - (b) Once the review is completed, the zoning administrator shall then take one of the following actions:
 - ~~RPA components contiguous to or within 250 feet of any portion of the area proposed for exemption;~~
 - ~~RMA components located on any portion of the property proposed for exemption;~~
 - ~~RMA study accurately demonstrating the absence or existence of RMA components and the proximity of RPA components;~~
 - If the RMA limits study demonstrates the existence of RMA or RPA components, then the parcel or portion of the parcel cannot be exempted from the RMA and the applicant shall be notified of the decision and the reasons ings behind the decision therefore; or
 - If the RMA limits study demonstrates the absence of the RMA component and nearby RPA components then the owner(s) of the property shall be notified that they must cause a plat depicting the lot(s) approved for exemption to be recorded among the land records of the county prior to the issuance of any permits that would otherwise be unlawful in the RMA.

(Ord. of 1-14-2008)

Sec. 3-277. Exceptions.

- A. A request for an exception to the requirements of the Chesapeake Bay Preservation Area Overlay District shall be made in writing to the planning commission. It shall identify the impacts of the proposed exception

on water quality and on lands within the RPA through the performance of a water quality impact assessment which complies with the provisions of this article.

- B. The county shall notify the affected public of any such exception requests and shall consider these requests in a public hearing in accordance with Code of Virginia, § 15.2-2204, except that only one hearing shall be required.
- C. The planning commission shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to meet the requirements of and further the purpose and intent of this article if the planning commission finds:
- (1) Granting the exception will not confer upon the applicant any special privileges that are denied by this article to other property owners in the Chesapeake Bay Preservation Area Overlay District;
 - (2) The exception request is not based upon 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 the Chesapeake Bay Preservation Area Overlay District, and not injurious to the neighborhood or otherwise detrimental to the public welfare and is not of substantial detriment to water quality; and
 - (5) Reasonable and appropriate conditions are imposed which will prevent the exception request from causing a degradation of water quality.
- D. If the planning commission cannot make the required findings or refuses to grant the exception, the planning commission 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, ~~with a copy to the board of zoning appeals. The applicant may then apply to the board of zoning appeals for a variance as provided in article 20 of this ordinance.~~
- ~~E. The board of zoning appeals shall consider the water quality impact assessment and the findings and rationale of the zoning administrator in determining harmony with the intended spirit and purpose of this article.~~
- ~~FE.~~ A request for an exception to the requirements of provisions of this article other than sections 3-267.B., 3-270~~1~~ and 3-272 shall be made in writing to the zoning administrator. The zoning administrator may grant these exceptions provided that:
- a. Exceptions to the requirements are the minimum necessary to afford relief; and
 - b. Reasonable and appropriate conditions are placed upon any exception that is granted, as necessary, so that the purpose and intent of this article is preserved.
- ~~FG.~~ Exceptions under section 3-270.B may be made provided that the findings noted in sections 3-277.C. 1-5 are made.
- ~~G. No application for relief from this ordinance shall be considered complete where a resiliency assessment, as outlined in section 3-273.G of this ordinance, has not occurred or the proposed adaptation measure allows for the use of fill in a resource protection area in contravention to the requirements of section 3-272.E of this ordinance.~~

(Ord. of 1-14-2008)

Secs. 3-278 3-279. Reserved.

MODEL CHESAPEAKE BAY PRESERVATION AREA ORDINANCE

Modified 6/22/2026

The model ordinance provides language for use by localities when incorporating the 2020/21 amendments for coastal resiliency and the preservation of mature trees into local ordinances. DEQ has been reviewing draft revised ordinances for about six months and has determined that an update would be beneficial for the following reasons:

- An error on DEQ's part resulted in two Resiliency Assessment requirements that were not double underlined (subsections 109(A)(3) and (4)), resulting in ordinances that were incomplete.
- Language contained within [brackets] requires action on the part of local staff: either the brackets contain language that must be personalized to individual jurisdictions, or they contain instructions alerting localities of decisions that must be incorporated into their ordinances (for assistance see the [Resiliency Amendments Checklist for Locality Implementation](#)).
- Updates to statutory and regulatory citations for the Virginia Erosion and Stormwater Management Act and Regulations enacted in 2024.
- The model contains optional language from the coastal resiliency guidance and from existing local ordinances that DEQ has identified as providing guidance worthy of consideration by localities looking for assistance with implementation of the resiliency and mature tree regulatory requirements.

Finally as a reminder, the model contains regulatory language that is not separately identified because it should already be in each ordinance. Either the Regulations or a Bay Act Liaison should be consulted by localities considering changes to their ordinance beyond the mandatory amendment additions.

Sec. 100. Title.

This ordinance shall be known as the Chesapeake Bay Preservation Area Ordinance (Ordinance) of the [County_City_Town], of Virginia.

Sec. 101. Findings of fact.

The Chesapeake Bay and its tributaries constitute one of the most important and productive estuarine systems in the world, providing economic and social benefits to the citizens of the [County_City_Town] and the Commonwealth of Virginia. The health of the Bay and its tributaries is vital to maintaining the [County_City_Town]'s economy, natural resources, and the welfare of its citizens.

The waters of the Chesapeake Bay watershed have been degraded significantly by numerous sources of pollution, including nonpoint source pollution from land development. These waters are worthy of protection from further degradation. Certain lands adjacent to shorelines, and river and stream banks have an intrinsic water quality value due to the ecological and biological processes they perform. With proper management, they offer significant ecological benefits by providing water quality maintenance, wildlife habitat, and pollution control, as well as flood

and shoreline erosion control. These lands, designated by the [County_City_Town] as Chesapeake Bay Preservation Areas (CBPA), shall be developed in such manner as to protect the quality of water in the Bay.

Sec. 102. Purpose and intent.

(A) This Ordinance is adopted to implement the requirements and stated purposes of The Chesapeake Bay Preservation Act (Bay Act) (Va. Code §§ 62.1-44.15:67 -62.1-44.15:79) and the Chesapeake Bay Preservation Area Designation and Management Regulations (Regulations) (9 VAC 25-830-10 et seq.) promulgated thereunder.

The intent of the [City_Town] Council [OR Board of Supervisors] and the purpose of this Ordinance are to: (1) protect existing high quality state waters; (2) prevent any further increase in water pollution; and (3) restore state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them.

The performance standards established by this Ordinance provide the means to minimize the potential for erosion and sedimentation, reduce land application of nutrients and toxins, and maximize rainwater infiltration. Indigenous ground cover, especially woody vegetation, is effective in holding soil in place and preventing site erosion. Existing riparian buffers and other vegetation filter stormwater runoff. By minimizing impervious cover, rainwater infiltration is enhanced, and stormwater runoff is reduced.

(B) The designation of any area as a Chesapeake Bay Preservation Area shall be in addition to, and not in lieu of, the zoning district classification of these areas, and shall be subject to all applicable provisions of this Ordinance, the [County_City_Town] Zoning Ordinance, Subdivision Ordinance, and other applicable ordinances.

Sec. 103. Definitions.

The following words and terms used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise.

Accessory structures or uses. Accessory structures include, but are not limited to, detached garages, gazebos, free-standing decks, storage buildings or tool sheds, guest houses, and similar forms of land development that are incidental and subordinate to the principal structure. In-ground pools, patios, terraces, tennis courts, synthetic turf, and other impermeable landings that do not permit infiltration to groundwater are considered accessory uses of land, not structures. [Any modification or expansion to such a use or structure must be reviewed and approved using a formal exception process unless proposed within a locally designated Intensely Developed Area, or defined as redevelopment, as allowed].

Adaptation measure. A project, practice, or approach to mitigate or address an impact of climate change including sea-level rise, storm surge, and flooding including increased or recurrent flooding.

Agricultural lands. Those lands used for the planting and harvesting of crops or plant growth of any kind in the open, pasture, horticulture, dairy farming, floriculture, or the raising of poultry and/or livestock.

Applicant. Any person submitting any application required or permitted pursuant to any of the provisions of this Ordinance, and any person on whose behalf such an application is submitted.

Base Flood Elevation (BFE). The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1- A30, AR/AH, AR/AO, V1-V30 and VE.

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

Board. The [County_City_Town] Chesapeake Bay Preservation Area Board.

Buffer area. An area of natural or established vegetation managed to protect other components of the Resource Protection Area and state waters from significant degradation due to land disturbances.

Caliper. The diameter of a tree measured six (6) inches above existing grade.

Canopy tree. A tree that typically reaches 35 feet in height or taller when mature.

Channelward: in the direction of the channel or waterway.

Chesapeake Bay Preservation Area (CBPA). Any land designated by the [County_City_Town] pursuant to 9 VAC 25-830-70 to 110 of the Regulations and Section 62.1-44.15:74 of the Bay Act. A Chesapeake Bay Preservation Area shall consist of a Resource Protection Area (RPA) and a Resource Management Area (RMA).

[County_City_Town] Administrator. The [County_City_Town] Manager, administrator or such other person or persons as they may designate (zoning administrator, bay act coordinator, etc.) to perform the duties, or to exercise the authority, of the [County_City_Town] Administrator pursuant to the provisions of this Ordinance.

Construction footprint. The area of all impervious cover created by development or redevelopment of land, including, but not limited to, buildings, roads, driveways, parking areas and sidewalks, and inclusive of any land disturbed for the construction of such improvements.

Critical root zone. The area encompassing all of the roots extending to the dripline of a tree.

Daylighted stream. A stream that had been previously diverted into an underground drainage system, has been redirected into an above ground channel using natural channel design concepts as defined in Va. Code § 62.1-44.15:51, and where the adjacent lands would meet the criteria for being designated as a Resource Protection Area (RPA) as defined within this Ordinance.

Development. The construction, substantial alteration, or installation of any improvement (including residential, commercial, industrial, institutional, recreation, transportation, or utility facilities or structures) upon a parcel of land.

Diameter at breast height (DBH). A standard height for measuring a tree's diameter, 4.5 feet from the ground.

Dripline. Outermost circumference of a tree's canopy.

Erosion and Sediment Control Law for Localities not Administering a Virginia Erosion and Stormwater Management Program. Means Article 2.4 (Sec. 62.1-44.15:51 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Fill. Material such as sand, soil, gravel, or crushed stone which is placed in an area, often to adjust elevation or create land contouring.

Floodplain. All lands that would be inundated by flood water as a result of a storm event of a 100-year return interval (1% annual chance of occurring). This includes any land area susceptible to being inundated by floodwaters from any source.

Freeboard. An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations

Highly erodible soils. Those soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight (8). The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

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

Impervious cover. A surface composed of any material which significantly impedes or prevents natural infiltration of water into the soil, including roofs, buildings, streets, parking areas, and other structures and the components thereof, concrete, asphalt, or compacted gravel surface.

Infill. Utilization of vacant land in previously developed areas.

Intensely Developed Areas (IDA). Those areas designated by the [County, City, Town] pursuant to 9 VAC 25-830-100. IDAs are redevelopment areas in which development was concentrated as of the [County_City_Town] program adoption date. IDAs shall comply with the performance criteria for redevelopment.

Land disturbance or land disturbing activity. A man-made change to the land surface that may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, excavating, or filling of land.

Limit of Moderate Wave Action (LiMWA). The LiMWA is an informational line that can be found on flood maps for some coastal areas. On a flood map, it is shown as a black line with black arrows that point to areas where wave heights are between one and one-half (1.5) and three (3) feet. It also marks the inland limit of Coastal Zone A.

Living Shoreline. A shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials.

Mature tree. A canopy tree with a diameter at breast height (DBH) of 12 inches or greater or an understory tree with a DBH of four (4) inches or greater.

Nature-based solution. An approach that reduces the impacts of sea-level rise, flooding, and storm events through the use of environmental processes and natural systems.

Nonpoint source pollution. Pollution such as sediment, nitrogen, phosphorous, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater.

Nontidal wetlands. 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 CFR 328.3b.

Other structural and organic materials. Materials or features that provide added protection or stability for the natural shoreline habitat components of a living shoreline that attenuate wave energy and do not interfere with natural coastal processes or the natural continuity of the land-water interface. They may be composed of a variety of natural or man-made materials, including rock, concrete, or vegetation-based fiber such as coir logs, oyster shells, and geotextiles; however, structural features shall be free from contaminants, including structural metal such as rebar, and shall be adequately secured to prevent full or partial dislodging or detachment due to wave action or other natural forces as per Va. Code § 28.2-104.1. [This term is referenced in the definition for Living Shoreline.]

Principal structure. A primary structure that is necessary to use the land in the manner permitted by the underlying zoning classification.

Plan of development. For the purposes of this Ordinance, plan of development means any process for site plan review in the [County_City_Town] zoning and land development regulations designed to ensure compliance with Va. Code § 62.1-44.15:74 and with this Ordinance, prior to issuance of a building permit. [The [County_City_Town] zoning and land development regulations can be referenced here.]

Public road. A publicly owned or maintained road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to the (i) the Erosion and Sediment Control Law for Localities not Administering a Virginia Erosion and Stormwater Management Program and the Virginia Erosion and Stormwater Management Act. This definition includes those roads where VDOT exercises direct supervision over the design or

construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the [County_City_Town] in accordance with the standards of the [County_City_Town].

Redevelopment. The process of developing land that is or has been previously developed, in approximately the same physical location or footprint.

Resilience. The capability to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.

Resource Management Area (RMA). That component of a Chesapeake Bay Preservation Area not classified as a Resource Protection Area. Resource Management Areas include land types which, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of a Resource Protection Area. Resource Management Areas shall be provided contiguous to the entire inland boundary of the Resource Protection Area.

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

Silvicultural activities. 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 Va. Code § 10.1-1105 and are located on property defined as real estate devoted to forest use under Va. Code § 58.1-3230.

Special flood hazard area (SFHA). An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies.

Storm surge. The resulting temporary rise in sea level due to the action of wind stress on the water surface and low atmospheric pressure created during storms which can cause coastal flooding. Surge is the difference from expected tide level. Storm tide is the total water level.

Substantial alteration. The expansion or modification of a building or development that would result in a disturbance of land exceeding an area of two thousand five hundred (2,500) square feet in the Resource Management Area only.

Tidal shore. Land contiguous to a tidal body of water between the mean low water and mean high water levels.

Tidal wetlands. Vegetated and nonvegetated wetlands as defined in Va. Code § 28.2-1300.

Understory tree. A tree that typically reaches 12 to 35 feet in height when mature.

Use. An activity on the land other than development including agriculture, horticulture, and silviculture.

Virginia Erosion and Stormwater Management Act. Means Article 2.3 (Sec. 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Waterbody with perennial flow. 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, out of, or through which a perennial stream flows, are a part of the 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.

Water-dependent facility. A development of land which cannot exist outside of a Resource Protection Area, and which must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include

ports, the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, storm sewers, marinas and other boat docking structures, beaches and other public water-oriented recreation areas, fisheries, or other marine resources facilities.

Sec. 104. Areas of applicability.

- (A) The Chesapeake Bay Preservation Area Ordinance shall apply to all lands which are designated as Chesapeake Bay Preservation Areas [or included in the Chesapeake Bay watershed] within the [County_City_Town]. Such lands are designated as Chesapeake Bay Preservation Areas and are depicted on the Chesapeake Bay Preservation Area Map.
- (B) Resource Protection Areas shall include the following components:
 - (1) Tidal wetlands.
 - (2) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow.
 - (3) Tidal shores.
 - (4) [Such other lands considered by the County_City_Town to meet the provisions of subsection A of this Section and to be necessary to protect the quality of state waters.]
 - (5) A buffer area not less than 100 feet in width located adjacent to and landward of the components listed in subdivisions one (1) through [three (3) or four (4)] above of this subsection, and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the Resource Protection Area notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with Section 106, general performance standards and 107 RPA development criteria, through compliance with Section 113 variances [waivers] and exceptions of this Ordinance.
- (C) Resource Management Areas shall consist of all lands within [locality] which are not designated as Resource Protection Areas [or, if not jurisdiction wide, then insert RMA components]. These lands, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area.
- (D) Intensely Developed Areas are an overlay to the Resource Protection Area that serve as redevelopment areas in which development was concentrated and where little of the natural environment remained as of [the original date of CBPA Ordinance adoption]. Development within IDAs shall comply with the requirements of the redevelopment performance standards of this Ordinance.
- (E) Designation of the Chesapeake Bay Preservation Area boundaries shall not be subject to modification unless based upon reliable, site-specific information as provided for in Section 105 of this Ordinance.

Sec. 105. Interpretation of Chesapeake Bay Preservation Area boundaries.

- (A) The Chesapeake Bay Preservation Area Map adopted by the [City_Town] Council [OR Board of Supervisors] shall be used for planning purposes as a guide to the general location of Chesapeake Bay Preservation Areas.
- (B) The [County_City_Town] Administrator shall, on all properties located within a designated Chesapeake Bay Preservation Area where land disturbance, development or redevelopment is proposed and as part of the plan of development review process pursuant to Section 110 of this Ordinance or during the review of a water quality impact assessment pursuant to Section 108 of this Ordinance, ensure or confirm that:
 - (1) A reliable site-specific evaluation of Chesapeake Bay Preservation Area boundaries is conducted to determine whether water bodies on or adjacent to the development site have perennial flow, and
 - (2) That Resource Protection Area boundaries are adjusted, as necessary, on the site based upon the site-specific evaluation.

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- (C) Perennial flow determinations for site-specific evaluations shall be performed using one of the protocols acceptable to the Virginia Department of Environmental Quality as referred to in the document adopted by the Commonwealth of Virginia entitled *Determinations of Water Bodies with Perennial Flow Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulations*. For nontidal wetlands connected by surface flow and contiguous to perennial streams, the *Eastern Mountains and Piedmont Regional Supplement to the 1987 USACOE Wetlands Delineation Manual* and the *Resource Protection Areas: Nontidal Wetlands Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulations* adopted by the Commonwealth of Virginia, should be consulted.
- (D) A site-specific evaluation must be performed and certified as complete and accurate by a qualified professional. To be qualified, a professional must: (i) work or be certified in a related field such as stream ecology, hydrology, or hydrogeology; (ii) have secondary education, post-secondary education, or technical training in a related field such as stream ecology, hydrology, or hydrogeology; and (iii) have field experience performing or substantially assisting with the performance of a site-specific evaluation using the protocol employed. As an alternative, the [County_City_Town] Administrator may, at their sole discretion, conduct a site-specific evaluation using a professional qualified pursuant to this subsection for any purpose.
- (E) When a delineation of a Chesapeake Bay Preservation Area, or any component thereof, has been approved or established by the [County_City_Town] Administrator, the Chesapeake Bay Preservation Area Map shall be amended by the [County_City_Town] to reflect such delineation.

Sec. 106. General performance standards.

The general performance standards set forth in this Section are intended to prevent a net increase in nonpoint source pollution from new development and development on previously developed land where the runoff was treated by a water quality protection best management practice. Except as otherwise provided herein, the following standards shall apply to all development and redevelopment in both Resource Protection Areas and Resource Management Areas of the Chesapeake Bay Preservation Area:

- (A) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. The limits of land disturbance, including clearing, grading, or filling shall be strictly defined by the construction footprint as shown on the approved plan of development.
- (1) Clearing shall be allowed only to provide for necessary access, site drainage, water quality best management practices, and/or the installation of utilities and primary and reserve drainfield sites as detailed on a Virginia Department of Health sewage disposal construction permit. The limits of land disturbance shall be clearly shown on all plans submitted and physically marked on the site.
 - (2) Ingress and egress during construction shall be limited to one access point, unless otherwise approved by the [County_City_Town] Administrator.
- (B) Existing indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use or development proposed and in accordance with the [Virginia Stormwater Management Handbook, Version 1.1](#).
- (1) Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development.
 - (2) Existing trees over four (4) inches diameter at breast height (DBH) shall be preserved outside the construction footprint.
 - (3) Diseased trees or trees weakened by age, storm, fire, or other injury may be removed when approved by the [County_City_Town] Administrator. Other woody vegetation on site shall also be preserved outside the approved construction footprint. When a diseased tree or tree weakened by age, storm, fire, or other injury is to be removed, tree restoration should occur according to Tables A and B of the *Riparian Buffer Modification & Mitigation Manual (Buffer Manual)* 2003, prepared by the Chesapeake Bay Local Assistance Division of the Department of Conservation and Recreation and as may be amended by the Commonwealth of Virginia. Native species shall be preferred for all replacement plantings.

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- (4) Prior to clearing and grading, suitable protective barriers consistent with the [County_City_Town] construction standards and specifications, current edition, and including safety fencing, signs, or such other material as may be required by the [County_City_Town] Administrator, shall be erected to protect the critical root zone for any tree or stand of trees to be preserved on the site, as well as to protect the critical root zone of trees on adjacent properties that extend onto the site.
 - (5) A waiver may be granted to allow reasonable access to the site and work area, with specific conditions to be established by the [County_City_Town] Administrator. Protective barriers remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier
- (C) Land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development. During the design phase of development, use of the following means of minimizing impervious cover are encouraged:
- (1) Placement of parking areas under multiple-family, office, or commercial buildings.
 - (2) Use of shared parking where possible in mixed use developments.
 - (3) Construction of no more than the minimum number of parking spaces required by the [County_City_Town] Zoning Ordinance.
 - (4) Use of modular grid pavers on private property and in low-traffic zones.
 - (5) Use of low impact development, better site design, and/or cluster development land development planning techniques in lieu of conventional design as set forth in the [County_City_Town] Zoning Ordinance.
- (D) All development or redevelopment exceeding an area of 2,500 square feet or greater of land disturbance shall be accomplished through a plan of development review process as set forth in Section 110 of this Ordinance, and other such requirements set forth in [County_City_Town] ordinances.
- (E) Any land disturbing activity that exceed an area of 2,500 square feet (including construction of all single-family homes, septic tanks, and drainfields, but otherwise as defined by § 62.1-44.15:24 or § 62.1-44.15:51 of the Code of Virginia), shall comply with the requirements of the [County_City_Town] erosion and sediment control program ordinance or erosion and stormwater management program ordinance. Enforcement for noncompliance with the erosion and sediment control requirements referenced in this criterion shall be conducted under the provisions of the State Water Control Law (Va. Code § 62.1-44.2 et seq.) and attendant regulations.
- (F) Land-disturbing activities in a Chesapeake Bay Preservation Area that are equal to or greater than 2,500 square feet but less than one acre shall comply with the requirements of 9 VAC 25-875-740 and 9 VAC 25-875-750.
- (G) All on-site sewage treatment systems not requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years, provided that:
- (1) Subject to conditions established by the [County_City_Town] Health District of the Virginia Department of Health (VDH), the owners of such systems may, in lieu of pumping out such systems every five (5) years, have 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. Such a filter shall satisfy standards established in the Sewage Handling and Disposal Regulations (12 VAC 5-610) administered by VDH; and
 - (2) In lieu of requiring proof of septic tank pump out every five (5) years, the [County_City_Town] may allow owners of on-site sewage treatment systems to submit documentation every five (5) years, certified by a an operator or onsite soil evaluator licensed or certified under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 of the Code of Virginia as being qualified to operate, maintain, or design onsite sewage systems, that the septic system has been inspected, is functioning properly, and that – as of the date of inspection – pump-out of the effluent was not deemed necessary.
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- (3) For new construction not served by public sewer or other system requiring a Virginia Pollutant Discharge Elimination System (VPDES) permit, a reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989 [or the date of local Bay Act ordinance adoption], if such lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site, as determined by the [County_City_Town] Health District. Building or construction of any impervious cover shall be prohibited on the area of all sewage disposal sites, including reserve sewage disposal sites, until the property is served by public sewer or an on-site sewage treatment system operating under a VPDES permit. All sewage disposal site records shall be administered to provide adequate notice and enforcement. As an alternative to the reserve sewage disposal site, the owners of such systems may install an alternative drainfield system meeting the following conditions:
- (a) Each of the two (2) alternating drainfields in the system shall have at a minimum, an area not less than fifty (50) percent of the area that would otherwise be required if a single primary drainfield were constructed.
 - (b) An area equal to fifty (50) percent of the area that would otherwise be required for the primary drainfield site shall be reserved for subsurface absorption systems that utilize a flow diversion device, to provide for future replacement or repair to meet the requirements for a sewage disposal system. Expansion of the primary system shall require an expansion of the reserve system.
 - (c) The two (2) alternating drainfields shall be connected by a diversion valve, approved by the [County_City_Town] Health District, located in the pipe between the septic tank and the distribution boxes. The diversion valve shall be used to alternate the direction of effluent flow to one (1) drainfield or the other at a time. Diversion valves shall not be used for the following types of treatment systems:
 - 1. Sand mounds.
 - 2. Low pressure distribution systems.
 - 3. Repair situations when installation of a valve is not feasible.
 - 4. Any other approved system for which the use of a valve would adversely affect the design of the system, as determined by the [County_City_Town] Health District.
 - (d) The diversion valve shall be a three-port, two-way valve of approved materials (i.e., resistant to sewage, leak-proof and designed so that the effluent from the tank can be directed to flow into either one (1) of the two (2) distribution boxes).
 - (e) There shall be a conduit from the top of the valve to the ground surface with an appropriate cover to be level with or above the ground surface.
 - (f) The valve shall not be located in driveways, recreational courts, parking lots, or beneath sheds or other structures.
 - (g) In lieu of a diversion valve, any device that can be designed and constructed to direct the flow of effluent from the tank into either one (1) of the two (2) distribution boxes may be approved if plans are submitted to the [County_City_Town] Health District and determined to be satisfactory.
 - (h) Owners shall alternate using the drainfields every 12 months to permit the yearly resting of half of the absorption system.
 - (i) The [County_City_Town] Administrator shall ensure that the owners are notified annually of the requirement to switch the valve to the opposite drainfield.
- (H) Prior to the authorization and initiation of grading or other on-site activities, all wetland permits required by law shall be obtained and evidence of such submitted by the applicant to the [County_City_Town] Administrator.
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- (l) Agricultural lands shall have a soil and water quality conservation assessment conducted that evaluates 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.
- (1) Recommendations for additional conservation practices need address only those conservation issues applicable to the tract or field being assessed. Any soil and water quality conservation practices recommended as a result of such an assessment and are subsequently implemented with financial assistance from federal or state cost-share programs must be designed consistent with cost-share practice standards set forth in the January 1999 *Field Office Technical Guide* of the U.S. Department of Agriculture Natural Resource Conservation Service or the June 2000 edition of the *Virginia Agricultural Best Management Practices (BMP) Manual* of the Virginia Department of Conservation and Recreation, respectively, and accomplish water quality protection consistent with this Ordinance. Unless otherwise specified in this Section, general performance standards pertaining to the various agricultural conservation practices being assessed shall be as follows:
- (a) For erosion and sediment control recommendations, the goal shall be, where feasible, to 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. However, in no case shall erosion exceed the soil loss consistent with an Alternative Conservation System as defined in the *Field Office Technical Guide* of the U.S. Department of Agriculture Natural Resource Conservation Service.
- (b) For nutrient management, whenever nutrient management plans are developed, the operator or landowner must provide soil test information, consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85).
- (c) For pest chemical control, referrals shall be made to the [name of the local] cooperative extension agent or an Integrated Pest Management Specialist of the Virginia Cooperative Extension Service. Recommendations shall include copies of applicable information from the "Virginia Pest Management Guide", or other Extension materials related to pest control.
- (2) A higher priority shall be placed on conducting assessments of agricultural fields and tracts adjacent to Resource Protection Areas. However, if the landowner or operator of such a tract also has Resource Management Area fields or tracts in his operation, the assessment for that landowner or operator may be conducted for all fields or tracts in the operation. When such an expanded assessment is completed, priority must return to Resource Protection Area fields and tracts.
- (3) The findings and recommendations of such assessments and any resulting soil and water quality conservation plans will be submitted to the [name of the appropriate] Soil and Water Conservation District Board, which will be the plan-approving authority.

Sec. 107. Development criteria for Resource Protection Areas.

- (A) In addition to the general performance standards of Section 106 of this Ordinance, the following standards shall apply to all use, land disturbance, development, or redevelopment proposed within the Resource Protection Area:
- (1) Land development may be allowed in the Resource Protection Area subject to approval by the [County_City_Town] Administrator only if such development (i) is water dependent; (ii) constitutes redevelopment; (iii) is a new use established pursuant to subsection 107(C) of this Ordinance; (iv) is a road or driveway crossing; or (v) is a flood control or stormwater management facility. In addition, the following conditions shall apply:
- (a) A Water Quality Impact Assessment as set forth in Section 108 of this Ordinance shall be required for any proposed land disturbance in the RPA.

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- (b) A resiliency assessment as set forth in Section 109 of this Ordinance shall be required for any proposed land development during the plan of development or other project review process in the RPA.
- (c) A new or expanded water dependent facility may be allowed provided that the following criteria are met:
1. Such facility does not conflict with the comprehensive plan.
 2. Any non-water dependent component of such facility is located outside of the Resource Protection Area. Restaurants, parking areas, in-ground pools, patios, and indoor or outdoor dry dock boat storage facilities are accessory to the water-dependent use. As they are not considered water-dependent facilities, they must be reviewed through the formal exception process
 3. Access to such facility will be provided with the minimum land disturbance necessary. Where practicable, a single point of access will be provided.
- (d) Redevelopment outside of designated Intensely Developed Areas shall be permitted in the Resource Protection Area only if (i) there is no increase in the amount of impervious cover; (ii) no further encroachment within the Resource Protection Area; and (iii) such redevelopment conforms to applicable erosion and sediment control criteria and stormwater management criteria set forth in the [citation for local erosion and sediment control and stormwater management ordinances], as well as all applicable stormwater management requirements of other state and federal agencies.
- (e) Roads and driveways not otherwise exempt from the provisions of this Ordinance, as per subsection 112(A) of this Ordinance, may be constructed in or across Resource Protection Areas provided each of the following conditions is met:
1. The [County_City_Town] Administrator finds that there are no reasonable alternatives to aligning the road or driveway in or across the Resource Protection Area.
 2. The alignment and design of the road or driveway are optimized, consistent with other requirements, to minimize encroachment into the Resource Protection Area and adverse effects on water quality.
 - a. Driveways may be constructed of asphalt, concrete, pavers, bricks, gravel, etc. The imperviousness of each material will be based on current industry standards. Pervious concrete, asphalt, and pavers may be used but must meet [Virginia Stormwater Management Act and Regulations OR local stormwater management ordinance] stormwater specifications for infiltration, must be designed by a professional engineer and supported with a geo-technical report.
 - b. Driveways may be no wider than 10-feet unless a greater width is required pursuant to some other standard adopted by the [City_Town Council OR County Board of Supervisors] (e.g., emergency access requirements for long private lanes).
 - c. The parking pad for a one or two-car garage may be no larger than 22-feet in width by 18- feet in length.
 - d. A single 10-foot x 17-foot turn-around with ten-foot turning radius may be allowed.
 - e. Additional parking and a turn-around area may be allowed using completely pervious and vegetated turf reinforcements such as grass pavers installed as per manufacturer specifications.
 3. The design and construction of the road or driveway satisfy all applicable criteria of this Ordinance, including submission of a water quality impact assessment and a resiliency assessment.
 4. The [County_City_Town] Administrator reviews the plan for the road or driveway proposed in or across the Resource Protection Area in coordination with [County_City_Town] site plan, subdivision, and other applicable plan of development reviews.
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(f) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas, provided that:

1. Such facilities are allowed and constructed in accordance with the [Virginia Stormwater Management Act and Regulations OR local stormwater management ordinance].
2. The [County_City_Town] Administrator conclusively establishes that the location of the facility within the Resource Protection Area is the optimum location.
3. The size of the facility is the minimum necessary to provide necessary flood control or stormwater treatment, or both.
4. The facility is consistent with a comprehensive stormwater management plan developed and approved in accordance with the Virginia Erosion and Stormwater Management Regulations OR the [County_City_Town] stormwater management program].
5. All applicable State and Federal permits are obtained from the appropriate federal and state agencies having jurisdiction, such as the U.S. Army Corps of Engineers, the Department of Environmental Quality, and the Virginia Marine Resources Commission.
6. Approval is received from the [County_City_Town] Administrator prior to construction.
7. Routine maintenance is performed on such facilities to assure that they continue to function as designed.

It is not the intent of this subdivision to allow a best management practice that collects and treats runoff from an individual lot or portion thereof to be located within a Resource Protection Area.

(B) Buffer area requirements. The 100-foot-wide buffer area shall be the landward component of the Resource Protection Area, as set forth in subsection 104(B) of this Ordinance. Notwithstanding the existence of permitted uses, encroachments, and vegetation clearing, as set forth in this subsection, the buffer area shall not be considered reduced in width. To minimize the adverse effects of human activities on the other components of the Resource Protection Area, state waters, and aquatic life, a 100-foot-wide buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained if present and established where it does not exist. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.

- (1) The 100-foot-wide buffer area shall be deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients.
- (2) Where land uses such as agriculture or silviculture within the area of the buffer area cease and the property is proposed to be converted to other land uses, then a minimum 100-foot-wide buffer shall be reestablished with woody vegetation. The planting of trees shall be incorporated into the reestablishment of the 100-foot buffer, as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
 - (a) A comprehensive planting plan for the entire buffer area that will ensure survivability of vegetation and viability of the newly established buffer shall be submitted and approved by the [County_City_Town] Administrator prior to approval of a new land use or development plan (including subdivision) for the property.
 - (b) The comprehensive planting plan should provide for the planting of a standard buffer adjacent to all impacted RPA features and along all water bodies with perennial flow on the site. The planting plan should also provide for management measures such as proper monitoring and maintenance of the installed woody vegetation that assures the buffer functions set forth in this Ordinance.

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- (c) If, prior to plan of development approval, the [County_City_Town] Administrator determines that the 100-foot buffer is adequately vegetated and meets the pollutant removal criteria listed within this subsection, replanting additional vegetation may not be necessary. In these cases, the full 100-foot RPA buffer should be allowed to naturally regenerate, and no land disturbing activities should be permitted within this area.
 - (d) The *Buffer Manual* should be consulted to determine the best methods for planting the 100-foot buffer in such a way as to meet the pollutant removal criteria listed within this subsection.

(C) Permitted encroachments into the buffer area.

When the application of the buffer area would result in the loss of an adequate buildable area, as determined by the [County_City_Town] Administrator, on a lot or parcel legally recorded prior to [October 1, 1989, OR another date that represents the adoption date of local ordinance], the [County_City_Town] Administrator may, through an administrative review process, permit an encroachment into the buffer area as set forth in Section 113 of this Ordinance and with the following criteria:

- (a) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities. For the purposes of this subsection, reasonable buildable area shall mean that area reasonably necessary for a principal structure and necessary utilities with compatible bulk and scale to those in the surrounding neighborhood or area. Detached accessory structures shall not be eligible for encroachment authorizations.
 - (b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer area encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel. Where established, such vegetated area shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred.
 - (c) Encroachments into the buffer area may not extend into the seaward fifty (50) feet of the buffer area.
 - (d) Encroachments into the buffer area processed through an administrative review shall be subject to the findings required by Section 113 of this Ordinance but without the requirement for a public hearing, such findings to be made instead by the [County_City_Town] Administrator.
- (1) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989, and March 1, 2002, the [County_City_Town] Administrator may permit an encroachment into the buffer area or an encroachment may be permitted by administrative variance [waiver], as set forth in this Ordinance and in accordance with the following criteria:
- (a) The lot or parcel was created through a legal process conducted in conformity with the Subdivision Ordinance.
 - (b) Conditions or mitigation measures imposed through a previously approved variance [waiver] or exception shall be met.
 - (c) If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required.
 - (d) The criteria in subsection 107(C)(1)(a) of this Ordinance shall be met.

(D) Permitted modifications of the buffer area.

- (1) To maintain the functional value of the buffer area, existing vegetation may be removed subject to approval by the [County_City_Town] Administrator. Such removal shall only be allowed to provide for reasonable sight lines, access paths, general woodlot management, BMPs (including those that prevent upland erosion and concentrated flows of stormwater), shoreline erosion control projects, or adaptation measures. Such

buffer modifications shall be permitted under the following conditions, and consistent with the requirements of this Ordinance:

- (a) In general, where the removal of trees within the buffer area is proposed, mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and removal should be limited to the fewest number of trees feasible. Where tree planting for mitigation, conservation landscaping, or for buffer reestablishment is proposed, inclusion of native species in tree planting is preferred.
- (b) Trees may be pruned or thinned as necessary to provide for sight lines, vistas, and access paths, 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.
 - 1. When trees are proposed for removal to provide for sight lines, vistas, and access paths they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function and to protect the quality of state waters. The boundaries of this area shall be determined in a manner acceptable to the [County_City_Town] Administrator and be based on identified vantage points and the portion of the shoreline to be viewed.
 - 2. Trees may not be removed where reasonable sight lines, vistas, or access paths can be created by the pruning of trees alone. Pruning shall be performed in accordance with best available technical advice [or reference local tree ordinance]. Trees may not be pruned or removed within any RPA component listed in subsection 104(B)(1) through (3) of this Ordinance or a perennial stream.
 - 3. A written request for a determination by the [County_City_Town] Administrator that the proposed removal of vegetation from the RPA buffer is in accordance with the requirements of this subsection is required. Such request shall include a plan showing the following: (i) the vantage points for the sight lines, vistas, and access paths (ii) the portion of the shoreline to be viewed or accessed, (iii) the area in which trees are to be pruned or removed, (iv) the location of all trees six inches or greater in diameter at breast height or as required by the [County_City_Town] Administrator, and (v) the location of the trees to be removed or pruned. The request shall also indicate the type, location and number of replacement vegetation proposed.
 - 4. Trees may not be pruned or removed from the buffer area until a written determination is obtained from the [County_City_Town] Administrator that the proposed activity is in accordance with the requirements of this Ordinance.
 - 5. Any path shall be constructed and surfaced to effectively control erosion. Paths serving individual residential lots shall be no more than four (4) feet in width except as necessary for handicapped access.
- (c) Noxious weeds and dead, diseased, or dying trees or shrubbery may be removed 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. Vegetation may not be removed from any RPA component listed in subsection 104(B)(1) through (3) of this Ordinance or within a perennial stream.
 - 1. All dead or diseased trees must be field checked by [County_City_Town] Administrator prior to their removal.
 - 2. When questions arise concerning the health of the trees proposed to be removed, the property owner shall be responsible for providing documentation from a certified landscape professional as to the health and viability of the trees. Such documentation shall be subject to review and approval of the [County_City_Town] Administrator.
 - 3. No land disturbance in the buffer area may occur or result from the removal of dead or diseased trees or noxious weeds.

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4. Dead or diseased trees must be replaced with 1-inch DBH minimum caliper trees at a 1:1 rate or with 15-inch minimum height shrubs at a 3:1 rate, absent conditions that suggest a higher or lower replacement ratio.
 5. Removal of noxious weeds is permitted in the buffer area provided they are replaced with vegetation equally adapted for the growing environment.
 6. Replacement vegetation should be protected by a surety bond and is subject to inspection one year after planting to ensure survival.
 7. For removal of trees larger than four (4) inches DBH, a buffer management [permit or plan] is required.
 - a. The buffer management [permit application or plan] shall be reviewed by the [County_City_Town] Administrator prior to removal of the tree(s). Upon approval of the permit the property owner may remove the tree(s) specified in the permit.
 - b. Tree restoration shall be required within six (6) months of removal. A subsequent inspection for the replanting of tree(s) shall be performed by the [County_City_Town] Administrator. If in the opinion of the [County_City_Town] Administrator, the replanting requirements may lead to further future structural damage to the principal building, the replanting requirement may be reduced or waived.
 - c. Site clearing shall be allowed only to provide necessary access, positive site drainage, water quality BMPs, and the installation of utilities, as approved by the [County_City_Town] Administrator through the plan of development review process outlined under Section 110 of this Ordinance. Prior to clearing or grading, suitable protective barriers, such as safety fencing, shall be erected five (5) feet outside of the dripline of any tree or stand of trees to be preserved. These 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.
 - d. A buffer management violation penalty of \$1,000 per tree removed without an approved woodlot management permit shall be assessed. Violators must still meet the provisions of this Ordinance to include designated tree replacement requirements. Property owners, contractors, and any other individuals associated with the removal of a tree without a buffer management permit approved by the [County_City_Town] Administrator are subject to this penalty, or subject to the criminal provisions of the [County_City_Town] Zoning Ordinance.
 - (d) For shoreline erosion control projects, trees and woody vegetation within the footprint of the shoreline erosion control project 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.
 1. The removal of mature trees for the installation and maintenance of proposed shoreline erosion control projects shall only be permitted as necessary and consistent with the best available technical advice, approved project plans, and applicable permit conditions or requirements.
 2. Where vegetation is proposed for removal within the buffer area as part of a shoreline erosion control project, a water quality impact assessment with vegetative mitigation equal to the area of encroachment is required. Trees shall be incorporated, as appropriate to the site conditions and the project specifications. In addition, vegetation in the form of a mixture of grasses, sedges, flowers, and shrubs can be used by property owners to provide natural stabilization of shorelines. Inclusion of native species is preferred.
 3. Existing trees, proposed plantings, and clearing limits must be shown on the Joint Permit Application and/or Water Quality Impact Assessment.
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4. Shoreline erosion control shall be consistent with the Wetlands Act (Chapter 13 Title 28.2), the Virginia Marine Resources Commission (VMRC) Tidal Wetlands Guidelines which provide for "minimum standards for the protection and conservation of wetlands," and "ensure protection of shorelines and sensitive coastal habitat from sea level rise and coastal hazard." Shoreline management and alteration projects should be coordinated to address the requirements of the most updated Tidal Wetlands Guidelines in conjunction with the requirements of this ordinance.
- a. Installation of living shorelines is the required adaptation measure for stabilizing tidal shorelines unless the best available science indicates that such approaches are not suitable for the site on which the practice is being considered, as determined by the Virginia Marine Resources Commission. Such projects should be coordinated to address the requirements of the VMRC *Tidal Wetlands Guidelines* current at the time of application submission in conjunction with the requirements of this Ordinance [and the local wetlands ordinance].
 - b. Approval from the VMRC is also required for adaptation measures proposing the use of sea walls, riprap, groins, or other structural means of stabilization within tidal wetlands. Such projects shall demonstrate to the satisfaction of the [County_City_Town] Administrator that vegetative techniques cannot be effectively utilized and shall incorporate elements of living shoreline approaches into permitted projects to the maximum extent possible.
 - c. If a hardened shoreline structure is allowed, the applicant shall be required to incorporate elements of living shoreline approaches into permitted projects, to the maximum extent possible.
- (e) Adaptation measures proposed for location within the Resource Protection Area, shall meet the following conditions:
1. The selected adaptation measure shall be a nature-based solution that uses environmental processes, natural systems, or natural features identified as being appropriate for existing site conditions.
 2. An identified adaptation measure shall be selected from one of the following sources: Chesapeake Bay program approved BMP list, the Virginia Stormwater BMP Clearinghouse, the VMRC Tidal Wetlands Guidelines, or be a project that is eligible for funding by the Virginia Community Flood Preparedness Fund Grant.
 - a. Adaptation measures should consist of trees, vegetation, stone or enhance existing natural elements.
 - b. [If a the County_City_Town wishes to consider an adaptation measure that is not included in the sources identified in the Regulations, the County_City_Town should work with the referenced source program to seek its inclusion as a permissible BMP.]
 3. Adaptation measures approved for use in the RPA shall be designed, installed, and maintained in accordance with the applicable specifications for the selected adaptation measure.
 4. Adaptation measures should be placed channelward of the proposed development whenever possible and should maximize the preservation of mature trees and other natural vegetation to minimize adverse impacts to the RPA and to maximize water quality benefits.
 5. The use of fill as a component of an adaptation measure may be permitted, provided it meets the following conditions:
 - a. The grading and slope created by the use of fill shall be no greater than necessary based upon the project specifications and implemented in a manner that minimizes the impact of run-off.
 - i. Slopes should be equal to or less than 10% to support water quality conditions, including infiltration.
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- ii. Slopes less than or equal to 5% or that convey sheet flow of velocities less than one and one-half (1.5) feet/second are preferred, to reduce runoff and tidal wave energies.
 - iii. Slopes greater or different than the above may be necessary based upon certain site conditions and adaptation measure specifications. In such instances, submittal of additional calculations and engineering plans, and assessments of the impacts of the use of fill on existing vegetation, wetland migration and water movement, both landward and channelward, in support of the proposed slope shall be required.
- b. Fill shall have the necessary biogeochemical characteristics, including sufficient organic content, to support the growth of vegetation and adequate permeability to allow infiltration consistent with project specifications. The applicant shall:
- i. Provide documentation specifying the proposed depth, extent, and type of fill material proposed for use.
 - ii. Provide documentation that the proposed soils are compliant with the requirements governing the use of lightly contaminated soil consistent with the Virginia Solid Waste Management Regulations (9 VAC 20-81 et seq.) or permitting requirements for upland placement of dredge soil, if applicable.
 - iii. Provide documentation that the newly placed fill is revegetated with multi-strata vegetation inclusive of canopy and understory trees, shrubs, and ground cover consistent with the guidance found in the *Buffer Manual*. Inclusion of native species is encouraged.
 - iv. Ensure that the fill area is vegetatively stabilized within seven (7) days.
- c. The use of fill shall not exacerbate stormwater run-off, and lateral flow onto adjacent properties shall be controlled.
- i. Appropriate erosion and sediment control and stormwater management measures shall be incorporated into the design specifications, including the establishment of positive and proper drainage.
 - ii. If the adaptation measure triggers separate stormwater management requirements, then these criteria should be considered in conjunction with those requirements.
 - iii. Larger scale adaptation measures may require the use of stormwater calculations to ensure these criteria are met.
 - iv. Any impacts on the management of stormwater upland of the Resource Protection Area created by the use of fill shall be mitigated, as necessary.
- d. The use of fill for an adaptation measure shall not negatively impact septic systems and drainfields located within the RPA. Where present, the proximity of the adaptation measure using fill should be considered such that the fill will not interfere with the proper function or maintenance of either of these features.
- e. The use of fill shall be consistent with any applicable state, or federal floodplain requirements and [the local floodplain ordinance]. The applicant shall provide documentation to verify that proposed adaptation measures do not conflict with any constraints or requirements of floodplain management or flood control provision, including federal floodplain management regulations found in Title 44 CFR Part 60. The allowance of fill under these provisions does not negate those independent requirements.
- f. The placement of fill allowed by either the Living Shoreline Group 1 or Group 2 general permits to establish appropriate elevations to support required vegetation shall be consistent with the fill requirements of this subsection, in that a change in slope or land elevation may not alter water flow in contravention with the fill requirements of this subsection.
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6. The preservation of existing natural vegetation shall be maximized, including mature trees, and land disturbance consistent with design specifications shall be minimized.
 7. Adaptation measures shall comply with all federal, state and local requirements, including any required permits and conditions such as the need for a Water Quality Impact Assessment.
 8. Nothing in these provisions shall be construed to authorize approval or allowance of an adaptation measure in contravention of floodplain management requirements, including [the local floodplain ordinance].
- (2) 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 50 feet of the 100-foot-wide buffer area if at least one (1) agricultural best management practice is being implemented on the adjacent land and such best management practice, which in the opinion of the [Local] soil and water conservation district board, addresses the predominant water quality issue (either erosion control or nutrient management). In such cases, the combination of the undisturbed buffer area and the best management practice(s) shall achieve water quality protection, pollutant removal, and water resource conservation at least the equivalent of the minimum 100-foot buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, shall be developed consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85) administered by the Virginia Soil and water Conservation Board.
 - (b) Agricultural activities may encroach within the landward 75 feet of the 100-foot-wide buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance level, referred to as "T," as defined in the *National Soil Survey Handbook* of November 1996 in the *Field Office Technical Guide* of the U.S. Department of Agriculture Natural Resource Conservation Service. A nutrient management plan, including soil tests, shall be developed, consistent with the Virginia Nutrient Management Training and Certification Regulations (4 VAC 50-85) administered by the Virginia Soil and Water Conservation Board. In conjunction with the remaining undisturbed portion of the 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 minimum 100-foot buffer area.
 - (c) The buffer area shall not be required to be designated adjacent to agricultural drainage ditches if at least one (1) best management practice which, in the opinion of the [local] soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land (either erosion control or nutrient management) is being implemented on the adjacent land.
 - (d) If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the [County_City_Town] 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 considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
 - (e) In cases where the landowner or the landowner's agent or operator has refused assistance from the local soil 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 [County_City_Town] Administrator. The [County_City_Town] Administrator shall require the landowner to correct the problems within a specified period not to exceed 18 months from their initial notification of the deficiencies to the landowner. The [County_City_Town], in cooperation with the
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district, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while considering the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

(E) Buffer requirements for Intensely Developed Areas.

Where the [County_City_Town] Administrator has determined that buffers are to be established, they shall be designed in accordance with the standards established in the *Buffer Manual*. When considering the reestablishment of a buffer within an Intensely Developed Area, the [County_City_Town] Administrator shall encourage the planting of trees, including native species, as a component of such buffer reestablishment measure.

(F) *Buffer mitigation standards*. The following standards shall apply in cases in which buffer mitigation is required pursuant to the provisions of this Ordinance due to land disturbance, development, or redevelopment within a Resource Protection Area:

(1) For new impervious cover:

- (a) Buffer restoration of an area equal to two (2) times the proposed land disturbance in the Resource Protection Area shall be provided. The [County_City_Town] Administrator or [County_City_Town] Chesapeake Bay Preservation Board (Board) shall allow a lesser area of buffer restoration if the property owner demonstrates that site conditions or structural treatment methods are such that a lesser buffer restoration area will adequately protect water quality. Additionally, the [County_City_Town] Administrator or [County_City_Town] Chesapeake Bay Preservation Board (Board) may require more mitigation based upon the extent of existing vegetation, site conditions, or proposed development.
- (b) In accordance with the *Buffer Manual*, for the buffer to function as intended, it shall contain the full complement of vegetation that includes canopy trees, understory trees, shrubs, and ground cover, whether the ground cover is vegetation, leaf litter, or mulch. The composition of the buffer restoration area shall be per the *Buffer Manual*.
- (c) Salt and flood-tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings, where appropriate.
- (d) Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures.
- (e) Buffer restoration shall be located in the Resource Protection Area, including in areas occupied by turf or where impervious cover is removed. To the extent possible, such restoration shall be located in the 50-foot seaward portion of the buffer area. The [County_City_Town] Administrator may require a site evaluation to determine the location and extent of vegetation needed to meet this requirement where specific site conditions warrant, including, but not limited to, the presence of steep slopes and existing vegetation recommended for buffers in the *Buffer Manual*.
- (f) All trees, plants, and groundcover, required as buffer restoration shall be maintained and not removed or allowed to revert to turf.

- (2) For shoreline erosion control projects, mitigation for land disturbance and/or the removal of vegetation within the RPA shall be in accordance with the *Buffer Manual*; provided that trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of existing or proposed shoreline structures.
- (3) For buffer area establishment or restoration, vegetation shall consist of a mix of canopy trees, understory trees, shrubs, and groundcovers that achieve the buffer functions set forth in subsection 107(B) of this Ordinance. The density of plants, the type of plant materials, and planting techniques shall be as specified in the *Buffer Manual*.

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- (a) Groundcover (non-woody) plants and riparian buffer grasses augment necessary woody planting materials and are not to be used in lieu of trees and shrubs.
 - (b) Foundation plantings, within five (5) feet of a structure are not counted towards restoration and replacement requirements.
 - (c) The use of native plants is strongly encouraged, and invasive species are discouraged.
 - (d) A buffer establishment or restoration plan and narrative shall include the following information, at a minimum:
 - 1. Property owners' contact information including name, mailing address, email address, and phone number.
 - 2. Subject property address, property lines, and location of physical improvements or structures such as houses, sheds, pools, patios, decks, driveways, etc.
 - 3. The type, number, and location of trees greater than 3-inches DBH within the "seaward" 50-feet of the buffer area and trees greater than 6-inches DBH in the "landward" 50-feet of the RPA buffer.
 - 4. Type, number, and location of mature trees within the RPA buffer.
 - 5. Proposed planting schedule, to include the type, number, and location of replacement trees and shrubs.
 - 6. Location, limits, and depth of proposed fill.
 - 7. Designation of trees to remain and trees to be removed.
 - 8. Proposed tree protection measures.
 - 9. Appropriate erosion control measures.
 - 10. Expected date of completion.
 - 11. A GIS map available from [the local planning or other office] or a current physical survey may be used as a base map for the plan.
 - 12. The plan and narrative must have sufficient information for staff inspection.

Sec. 108. Water quality impact assessment.

- (A) The purpose of a water quality impact assessment is to: (i) identify the potentially adverse impacts of proposed development on water quality and lands within Chesapeake Bay Preservation Areas consistent with the goals and objectives of this Ordinance; (ii) ensure that, where use, development or redevelopment takes place within Chesapeake Bay Preservation Areas, it will be located on those portions of a site and in a manner that will be least disruptive to the natural functions of Resource Protection Areas and other sensitive lands; and (iii) specify means to avoid, minimize or mitigate the impacts of development for water quality protection.
 - (B) A water quality impact assessment must demonstrate that the undisturbed buffer area, enhanced by vegetative plantings and any other best management practices will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and will retard runoff, prevent erosion, and filter non-point source pollution equivalent to an undisturbed 100-foot buffer area.
 - (C) A water quality impact assessment shall be required for any proposed land disturbance, development or redevelopment within a Resource Protection Area consistent with this Section, and for any other development in Chesapeake Bay Preservation Areas that may warrant such assessment because of the unique characteristics of the site or intensity of the proposed use or development.
 - (D) A water quality impact assessment shall include the following information:
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- (1) A narrative that describes the nature of the proposed RPA encroachment, provides justification for the proposed impacts to the RPA, and as required, addresses the findings required in subsection 113 (A) of this Ordinance.
 - (a) An analysis of the anticipated reduction in buffer function due to the proposed land development, its impact on the buffer area, proposed mitigation or adaptation measures, and the anticipated effect of the proposed project on water quality.
 - (b) A description of the extent and nature of any proposed disturbance or disruption of wetlands.
 - (c) Impacts of the proposed development on topography, soils, surface and groundwater hydrology on the site and adjacent lands.
 - (d) Source location and description of proposed excavation and fill material.
 - (e) For any water-dependent activity, the location of, and potential adverse impacts upon, shellfish beds, submerged aquatic vegetation, and fish spawning and nursery areas.
 - (f) A statement of any anticipated future land disturbance within the RPA.
 - (g) All federal, state, and local permits required for the development of the site.
 - (2) A site drawing to scale which depicts the following:
 - (a) Delineation of the RPA components, including the 100-foot buffer area and the location of any water body with perennial flow, and the RMA boundary, if necessary.
 - (b) Existing topography, soils information (including depth to groundwater and infiltration rate), surface and groundwater hydrology, wetlands and, if necessary, drainage patterns from adjacent lands.
 - (c) Location and nature of the proposed encroachment into the buffer area, including limits of clearing or grading and the area of land disturbance within the RPA; location of any structures, driveways, or other impervious cover; type(s) of paving material(s); area of proposed impervious cover; and location of proposed utilities, including sewage disposal systems or reserve drainfield sites.
 - (d) Location and area (in square feet) of existing impervious cover.
 - (e) Existing vegetation, including the number, size, species, and type of trees and other vegetation to be removed in the RPA to accommodate the proposed buffer encroachment or modification.
 - (f) Proposed vegetative mitigation plan equal to the area of land disturbance within the existing buffer area.
 - (g) Type and location of proposed additional best management practices that may be necessary to mitigate for the proposed encroachment.
 - (h) [Type and location of proposed adaptation measures necessary to address the impacts of storm surge, sea level rise, and flooding.]

Sec. 109. Resiliency assessment. [Please refer to the [Resiliency Amendments Checklist for Locality Implementation](#) when drafting local ordinance amendments to address resiliency requirements. Local program administrators are to make a number of crucial decisions that are specific to their locality prior to amending their ordinances. These decisions are outlined on the first page of the checklist (with correlating page numbers from the Model Ordinance).]

- (A) A resiliency assessment that considers the potential impacts of sea level rise, storm surge, and flooding on buffer function in light of a proposed RPA encroachment is required to be [either conducted by the County, City, Town or the applicant] during the review of a plan of development or other review process. Such an assessment is to be based upon the RPA as delineated at the time of the proposed land development and is required in addition to all other requirements of this and other local ordinances. At a minimum the resiliency assessment should contain the following information:

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- (1) *A scaled drawing or aerial image* of the proposed project that includes the RPA [and RMA, if not jurisdiction-wide] boundary, required setbacks, existing topography, and a graphic depiction of the anticipated impacts of sea level rise, flooding, and storm surge on the parcel and the proposed project, based upon a review of approved models and forecasts, to include the following:
- (a) For sea level rise, use the 2017 National Oceanographic and Atmospheric Administration (NOAA) Intermediate-High scenario projection curve [or any subsequently updated version thereof] on the project site. Sea level rise data can be accessed on the AdaptVA [website](#), maintained by the Virginia Institute of Marine Science (VIMS). When determining potential sea-level rise impacts, the applicant should use the model to identify both the extent of anticipated inland migration, as well as the water depth.
 - (b) For storm surge, use the most up to date NOAA hydrodynamic Sea, Lake, and Overland Surges Hurricanes (SLOSH) model on the project site. Storm surge data can be accessed on the AdaptVA [website](#). [Selection of a default storm category should be determined by the locality based upon historical frequency and specified for use in conducting resiliency assessments by the applicant. If additional storm surge analysis is being used by the locality, it should be referenced here].
 - (c) For flooding, use the most up to date Special Flood Hazard Area and the Limit of Moderate Wave Action (LiMWA) model on the project site according to the Virginia Flood Risk Information System (VFRIS) model in conjunction with the requirements and application of the [local] floodplain management ordinance. VFRIS includes the Flood Insurance Rate Maps, flood insurance studies, and associated models produced by the Federal Emergency Management Agency, and is available on the Virginia Department of Conservation and Recreation (DCR) [website](#). When identifying flooding impacts, the applicant may rely on existing use and application of the relevant Special Flood Hazard Area. This data is also accessible on the AdaptVA website.
 - (d) The anticipated impacts shall be based upon a thirty (30) year timeframe. [Unless the applicant demonstrates that the lifespan of the project proposed for development is less than thirty (30) years based upon the information in 2(b) as approved by the [County_City_Town] Administrator. Where a lifespan of less than 30 years is proposed, the applicant shall provide documentation of proposed building materials, anticipated quality of construction, design specifications, and other materials or information in support of a predicted lifespan of less than 30 years for the project. Alternatively, the applicant or locality may base the assessment on the default 30-year lifespan].
- (2) A narrative [to be prepared as a report or presented on a form] that analyzes the results of the data and graphic research, and provides the following information:
- (a) Define the intended service life of the proposed structure(s).
 - (b) Identification of any proposed impact directly from proposed impervious cover or structures in the RPA and the extent of such impact.
 - (c) Identification of extent of impact on the current buffer area including impacts to existing vegetation from the landward movement of water and vegetative migration.
 - (d) Describe the extent to which anticipated impacts can be or have been mitigated by altering the location design, size, or orientation of proposed structures or impervious cover, by preserving and/or supplementing existing buffer areas as provided for in Section 108 of this Ordinance, and/or by considering other limiting site conditions including required setbacks, and/or by proposing an adaptation measure in accordance with the provisions of Section 108.
 - (e) Identification of the utilization of existing local programs that already take potential impacts into account through the building permit or site design review processes, such as freeboard requirements enacted through the [local floodplain ordinance].
- (3) Apply the results of the resiliency assessment to the proposed development. The [County_City_Town] Administrator will review the narrative [as a report or form from (2)] along with the water quality impact
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assessment and determine whether the anticipated impacts necessitate an alteration or conditions to the proposed project or implementation of an adaptation measure for approval.

- (a) In considering whether a requirement for project alteration or adaptation measure is appropriate, the [County_City_Town] Administrator will ensure that the proposed alteration or adaptation measure is practical, achievable, and necessary to mitigate the identified impact.
 - (b) Where possible, consideration will be given to modifying the proposed development size or location, such that the extent of land disturbance or impervious cover can be reduced to avoid or minimize the area or areas of the parcel that the assessment indicates will be impacted.
 - (c) If the resiliency assessment reveals that impacts on the parcel can be addressed by structural design or siting alterations, then supplemental information on the potential alterations shall be provided for consideration by the [County_City_Town] Administrator. Supplemental information may include additional sketches or plans, including plan and section views, building specifications, and other supporting materials.
 - (d) Approval may be conditioned on the implementation of the proposed alterations, conditions, or adaptation measures.
 - (e) The resiliency assessment may also indicate that no alterations, conditions, or adaptation measures are required, in which case the applicant may proceed through the remainder of the approval process.
- (4) Identify conditions, alterations, or adaptation measures for the proposed development. Should an impact from sea-level rise, storm surge, or flooding be identified that exceeds available design alterations, approval of the proposed project should then be conditioned upon the requirement for an adaptation measure and the following information provided:
- (a) Describe the proposed adaptation measure(s) for the site as selected from one of the sources listed in subsection 109(A) of this Ordinance and submit documentation of the proposed adaptation measure and its suitability for use on the site, such as design specifications, construction methods and materials that will provide shoreline stabilization until vegetation is established, and a proposed maintenance plan.
 - (b) Describe how the selected adaptation measure meets the requirement for being a nature-based solution.
 - (c) Describe how the selected adaptation measure(s) comply with applicable regulatory or permitting requirements. Submit a water quality impact assessment pursuant to Section 108 of this Ordinance and a site plan pursuant to Section 110 of this Ordinance detailing the proposed placement of the adaptation measure, existing and proposed topography and vegetation, proposed limits of clearing and grading, and mitigation for the area of land disturbance within the RPA. Additionally, provide documentation of as-built documentation of the final design and installation, including photographs, and final inspection is required upon completion of installation.

Sec. 110. Plan of development process.

- (A) Any development or redevelopment within Chesapeake Bay Preservation Areas shall be accomplished through a plan of development process consistent with Va. Code §15.2-2286 A (8). Approval shall be rendered for a plan prior to commencement of any land-disturbing activity on site or the issuance of any building permit. Plans and information required under this subsection may be coordinated or combined as deemed appropriate by the [County_City_Town] Administrator. All information required in this subsection shall be drawn to the same scale as the preliminary site plan or final subdivision plat and certified as complete and accurate by persons duly licensed by the Commonwealth of Virginia to practice as such. Any applicant, or potential applicant, may confer with such departments and other agencies of the [County_City_Town] as may be appropriate concerning a general development or redevelopment proposal before submission of an application. Such a conference shall not be construed as an application for approval of such a proposal.

(B) Except as otherwise provided herein, the plan of development process for any development or redevelopment in a CBPA, shall consist of the plans and information identified below:

(1) *A site plan or a subdivision plat* which meets the requirements of the Site Plan Ordinance or Subdivision Ordinance, and which includes the following information:

- (a) RPA and RMA boundaries, or a note stating that the remainder of a parcel is designated as RMA [or is jurisdiction-wide, as the case may be], as identified during the site-specific CBPA determination conducted pursuant to Section 105 of this Ordinance, and the location of the following environmental features:
 - 1. Tidal wetlands.
 - 2. Tidal shores.
 - 3. Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, the location and extent of which shall be determined in accordance with the procedures specified in the *United States Corps of Engineers' Wetland Delineation Manual, Technical Report Y-87-1*, January 1987, Final Report, the *Regional Supplement to the Army Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* (Version 2.0) ERDC/EL TR 10-20, and the *Regional Supplement to the Army Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region* (Version 2.0) ERDC/EL TR 12-9.
 - 4. A buffer area not less than 100-feet in width and located adjacent to and landward of the components listed above and along both sides of any water body with perennial flow.
- (b) Evidence of the site-specific RPA boundary determination, inclusive of perennial flow determinations and wetland delineation studies, as appropriate to the site conditions.
- (c) Limits of land disturbance and all areas of clearing, grading, access ways and staging areas and the total area of land disturbance, as well as total area of land disturbance proposed within the RPA.
- (d) Depiction of the buildable areas that are allowed on each lot. Buildable areas shall be based upon the performance criteria specified in Sections 106, 107, 108, and 109.
- (e) Plat notations of the requirement to retain an undisturbed and vegetated 100-foot wide buffer area, as specified in Section 107(B); septic pump-out and 100% reserve drainfield site requirements for onsite sewage treatment systems, when applicable; and the permissibility of only water dependent facilities or redevelopment in Resource Protection Areas, including the 100-foot wide buffer area. [The depiction of RPA and RMA boundaries and the delineation of buildable areas on site plans and plats as stated in Sec. 110(B)(1)(a) and(d), and plat notation requirements as stated in Sec. 110(B)(1)(e) can also be placed within Site Plan requirements or within the Subdivision Ordinance; however, DEQ recommends that the required depictions and notations be referenced in all three locations (Bay Act, Site Plan, or Subdivision ordinance) to ensure compliance with the requirements.]
- (f) Location of all approved existing and proposed septic tanks and drainfield areas, including reserve areas, and the location of all existing and proposed wells and utilities.
- (g) A statement that excavation material and debris from construction shall be disposed of in a lawful manner.
- (h) Existing and proposed impervious cover and the total amount of impervious cover proposed for the site, as well as total amount of impervious cover proposed within the RPA.
- (g) Evidence that all applicable wetland permits required by law have been obtained prior to authorization of grading or other on-site activities shall be provided.
- (h) Additional information shall be requested, and reasonable and appropriate conditions shall be imposed by the [County_City_Town] Administrator, if necessary, to preserve the purpose and intent of this Ordinance.

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- (2) A water quality impact assessment, according to Section 108 of this Ordinance.
 - (3) A resiliency assessment, according to Section 109 of this Ordinance.
 - (4) A landscape plan that delineates or complies with the following:
 - (a) Provide the location, size, and description of existing and proposed plant material within the RPA and the RMA. All existing mature trees on the site of four (4) inches or greater diameter at breast height shall be shown. Where there are groups of trees, stands of trees may be outlined, except for mature trees, which shall be individually identified. Mature trees shall be protected during development and only removed where necessary, including to provide for the proposed use or development. The location and specific number of mature trees to be preserved on the project site shall be indicated on the plan. Mature trees and other vegetation to be disturbed or removed to create a desired construction footprint shall be clearly identified.
 - (b) A depiction of grade changes or other work adjacent to trees within the RPA and RMA which would adversely affect them. Specifications shall be provided as to how grade, drainage, and aeration would be maintained around trees to be preserved. Specifications shall also be provided for the protection of existing trees and vegetation during site work and construction.
 - (c) A description of the limits of clearing of existing vegetation, based on all anticipated improvements within the RPA and the RMA, including buildings, drives, and utilities.
 - (d) If land disturbance and the removal of trees or other vegetation within the RPA is not proposed, then mitigation is not required, and the remainder of this sub-section (Sec. 110(B)(4)(e) through (j)) does not apply.
 - (e) Provide a description of the proposed measures for mitigation for the removal of trees and other vegetation within the RPA only. The description shall include (i) a replanting schedule for trees and other vegetation removed for construction, including a list of the size, type, and species of plants and trees proposed for replanting; (ii) a demonstration that the design of the plan will preserve mature trees and other vegetation on the site and will provide maximum erosion control and overland flow benefits from such vegetation; (iii) a demonstration that existing plants are to be used to the greatest extent possible; and (iv) a demonstration that where the planting of new trees or vegetation is required, native species will be used to the greatest extent possible.
 - (f) A delineation of any required RPA buffer area and any plant material to be added to establish or supplement the RPA buffer. Trees are preferred for mitigation and supplementation of the RPA buffer area to the extent practicable and as appropriate to the site conditions and project specifications. Where possible use of native species is preferred.
 - (g) Within the RPA buffer, identification of the trees to be removed for sight lines, vistas, access paths, best management practices, and shoreline erosion control projects, as applicable, and the location, type, and size of replacement trees and vegetation proposed for mitigation. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit. Any removal of mature trees should be limited to the fewest number of trees feasible. When mature trees are removed in the RPA to provide for sight lines and vistas, access paths or BMPs, they shall be replaced with trees as appropriate to site conditions.
 - (h) All supplementary or replacement plant materials shall be 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 Nursery and Landscape Association, and shall be installed according to standard planting practices and procedures.
 - (i) Where areas to be preserved within the RPA are encroached upon in violation of plan approval, replacement of existing trees and other vegetation shall be achieved at a ratio of three (3) trees planted to one (1) tree greater than four (4) inches diameter at breast height removed, or by such other measures as in the judgment of the [County_City_Town] Administrator will adequately compensate for
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the removal of such trees and other vegetation. Replacement trees shall be a minimum two (2) to two and one-half (2½) inches caliper at the time of planting.

- (j) Location of signage to be placed along the RPA boundary to alert property owners of the environmentally sensitive areas and to protect the RPA from secondary impacts following the completion of construction activities. Signage shall be subject to the following provisions:
 - 1. Signs must be located on property lines at and along the intersection of the landward edge of the RPA buffer and spaced at intervals not exceeding 100-feet.
 - 2. Where possible, the signs will be mounted to a tree larger than three (3) inches in DBH. Where it is not possible to mount the sign to the tree, a treated 4 x 4 or a metal signpost must be used. The post must be buried at least 24 inches. The signs must be mounted between four (4) and six (6) feet above the ground surface.
 - 3. The [County_City_Town] will provide the signs for the initial installation on an individual property without charge; however, there will be a [\$10.00] per sign charge for signs associated with new subdivisions and for any necessary replacement signs.
- (5) An erosion and sediment control plan meeting the requirements of the provisions of the [County_City_Town] Erosion and Sediment Control Ordinance.
- (6) A stormwater management plan containing maps, charts, graphs, tables, photographs, narrative descriptions, explanations, and supporting references shall be submitted in accordance with the requirements of the Virginia Erosion and Stormwater Management regulations [or the local stormwater management ordinance, as listed below]. At a minimum, the stormwater management plan shall contain the following:
 - (a) Location and design of all planned stormwater control devices.
 - (b) Procedures for implementing nonstructural stormwater control practices and techniques.
 - (c) A long-term schedule for inspection and maintenance of stormwater management consistent with the [County_City_Town] Stormwater Management Ordinance.
 - (d) A maintenance agreement as deemed necessary and appropriate by the [County_City_Town] Administrator to ensure proper maintenance of best management practices in order to continue their functions.
 - (e) Predevelopment and post development nonpoint source pollutant loadings with supporting documentation of all utilized coefficients and calculations as outlined in the [County_City_Town] Stormwater Management Ordinance.
 - (f) For stormwater management facilities, verification of structural soundness, which shall be certified by a professional engineer. All engineering calculations shall be performed in accordance with the [local design manual, if applicable] current edition of the Virginia Stormwater Management Handbook and [County_City_Town] Stormwater Management Ordinance.
 - (g) Such additional elements that are required to be contained in a stormwater management plan for Chesapeake Bay land disturbing activities by the [County_City_Town] Stormwater Management Ordinance.
 - (h) A description of any proposed structural stormwater management solutions and the extent to which lateral movement of stormwater to neighboring parcels is a concern, and the extent to which it has been addressed by proposed mitigation measures and/or adaptation measures.
- (C) *Performance and bonding requirements.*
 - (1) No approved plans required by this Section shall be released until the applicant provides performance bonds or other form of surety acceptable to the [County_City_Town] Attorney, provided, however, that

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 building permit and certificate of occupancy may be issued if the applicant provides to the [County_City_Town] Administrator a form of surety satisfactory to the [County_City_Town] Attorney in an amount equal to the estimated cost of construction, related materials, and installation costs of the required landscaping or other specifications and maintenance costs for any required stormwater management facilities.

- (2) All required landscaping shall be installed as approved by the end of the first planting season following issuance of a certificate of occupancy. Landscaping must survive or be replaced by the end of the second planting season, or the surety shall be forfeited to the treasury of the [County_City_Town].
- (3) All required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety may be forfeited to the treasury of the [County_City_Town], which may also collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of the surety held.
- (4) After all required actions of the approved plan have been completed, the applicant shall submit to the [County_City_Town] Administrator a written request for a final inspection. If the requirements of the approved plan have been completed, such unexpended or unobligated portion of the surety held shall be refunded to the applicant or terminated within sixty 60 days following the receipt of the applicant's request for final inspection.
- (5) Prior to the issuance of any grading, building or other permit for activities involving site development activities, the applicant shall furnish to the [County_City_Town] Administrator a reasonable performance bond, cash escrow, letter of credit or other legal surety, or any combination thereof acceptable to the [County_City_Town] Attorney, to ensure that measures may be taken by the [County_City_Town], at the applicant's expense, should the applicant fail, after proper notice, within the time specified, to initiate or maintain appropriate conservation action which may be required of them as a result of the approved site development.

Sec. 111. Nonconforming buildings and structures.

- (A) The [County_City_Town] Administrator may permit the continued use, but not necessarily the expansion, of any structure in existence on [the date of local program adoption]. The [County_City_Town] Administrator may waive or modify the criteria of this Section for structures on legal nonconforming lots or parcels, provided that:
 - (1) There will be no net increase in nonpoint source pollutant load.
 - (2) Any development or land disturbance exceeding an area of 2,500 square feet or greater complies with all erosion and sediment control requirements.
- (B) Additions and modifications to existing legal principal structures may be processed through an administrative review of the application by the [County_City_Town] Administrator and shall be subject to the findings required by subsection 113(A) of this Ordinance. Such findings are to be made by the [County_City_Town] Administrator, but without the requirement for a public hearing. This provision shall not apply to accessory structures, as defined by Section 103 of this Ordinance, which are not permitted uses within the Resource Protection Area and require submittal to the formal exception process.
- (C) A nonconforming use and development variance [waiver] shall become null and void 12 months from the date of issuance if the [County_City_Town] Administrator documents that no substantial work has commenced. The [County_City_Town] Administrator shall notify the permittee of the revocation of the waiver in writing.
- (D) Reconstruction or restoration of any nonconforming building or structure destroyed or damaged by reason of casualty loss shall be allowed, provided that the area encompassed by such building or structure, as reconstructed or restored, is not extended or enlarged and is subject to the requirements of this Ordinance and other [County_City_Town] ordinances.

Sec. 112. Exemptions.

(A) *Exemptions for public utilities, railroads, public roads, and facilities.*

- (1) Construction, installation, operation and maintenance of electric, natural gas, fiber optic, and telephone transmission lines, railroads, public roads and their appurtenant structures are deemed to comply with this Ordinance provided such activities are performed in accordance with (i) regulations promulgated pursuant to the Virginia Erosion and Stormwater Management Act (Va. Code § 62.1-44.15:24 et seq.); (ii) an erosion and sediment control plan and a stormwater management plan approved by the [Virginia Department of Environmental Quality or the locality], as required; or (iii) local water quality criteria at least as stringent as the state requirements. Exemptions for public roads shall also be subject to the following conditions:
 - (a) The road alignment and design are optimized and consistent with other applicable requirements to prevent or otherwise minimize (i) encroachments into Resource Protection Areas and (ii) adverse effects on water quality.
 - (b) Such appurtenant structures shall include, but are not limited to, bridges, guard rails, lighting and traffic-control devices, fences, and berms.
- (2) Construction, installation and maintenance of water, sewer, underground cable and telecommunications lines and natural gas lines owned or permitted by the [County_City_Town], or a regional service authority, shall be exempt from this Ordinance provided that:
 - (a) To the degree practicable, the location of such utilities and facilities shall be outside RPAs.
 - (b) No more land shall be disturbed than is necessary to provide for the proposed installation.
 - (c) All construction, installation, and maintenance of such utilities and facilities shall comply with all applicable state and federal requirements and permits and shall be designed and constructed in a manner that protects water quality.
 - (d) Any land disturbance exceeding an area of 2,500 square feet or greater complies with all requirements of the Erosion and Sediment Control Ordinance.

(B) *Exemptions in Resource Protection Areas.* Land disturbances in RPAs associated with water wells, passive recreation facilities such as boardwalks, trails and pathways, and historic preservation and archaeological activities shall be exempt from the criteria of this Ordinance provided that the following are demonstrated to the satisfaction of the [County_City_Town] Administrator:

- (1) Any required permits, except those to which this exemption specifically applies, shall have been issued.
- (2) Sufficient and reasonable proof is submitted to the [County_City_Town] Administrator that the intended activity will not deteriorate water quality.
- (3) Any land disturbance exceeding an area of 2,500 square feet or greater shall comply with the Erosion and Sediment Control Ordinance.

(C) *Exemptions for silvicultural activities.* Silvicultural activities located within designated CBPAs shall be 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 Fifth Edition (March 2011) of *Virginia's Forestry Best Management Practices for Water Quality Technical Manual*. The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in CBPAs.

- (1) The exemption of silvicultural activities only applies to those operations that install and properly implement all necessary forestry best management practices. Failure to properly install or maintain any of the forestry BMPs within the RPA would automatically eliminate the silvicultural exemption status under this Section and may subject the property owner to penalties for violations under Section 115 of this Ordinance and possible enforcement actions by the [County_City_Town] according to [applicable local Bay Act or other ordinance authority].

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- (2) Silviculture entails the continued production of trees, wood, or wood products and any related actions that occur during the management of the land for these purposes. Silviculture does not include clearing a site in preparation for future development nor does it involve the removal of stumps for any reason. If the [County_City_Town] Administrator determines that the intended use of the site is not silvicultural in nature, all exemptions from this Ordinance are null and void and the project would have to comply with all requirements of this Ordinance. This may include preserving the full 100-foot RPA buffer or replanting it in woody vegetation, if necessary, and full compliance with all erosion and sediment control requirements if 2,500 square feet or greater of land has been disturbed.
- (D) Exemptions for living shorelines. A living shoreline, as defined by Va. Code § 28.2-104.1 [is or may be] exempt from additional performance criteria requirements of Section 107, including a water quality impact assessment in Section 108, provided the project minimizes land disturbance, maintains or establishes a vegetative buffer inland of the living shoreline, complies with the fill conditions in subsection 107(D)(1)(f) of this Ordinance, and receives approval from the VMRC or the local wetlands board, as applicable.

Sec. 113. Variances [waivers] and exceptions.

- (A) *General requirements.* Applications for variances [waivers] and exceptions from the requirements of Section 106, general performance standards, and 107, development standards for RPAs, shall be made in writing and filed with the [County_City_Town] Administrator. Such applications shall identify any potential impacts of the proposed variance [waiver] or exception on water quality and on lands within the RPA through the performance of a water quality impact assessment, pursuant to Section 108 of this Ordinance, and shall examine the impacts of sea level rise, storm surge, and flooding on the project through the performance of a resiliency assessment, pursuant to Section 109. Each application for a variance [waiver] and exception shall be approved, denied, or approved with conditions according to the review process outlined in the following subsections. No application for a variance [waiver] or exception to sections 106 and 107 of this Ordinance shall be granted under this Section without meeting the following findings:
- (1) The requested variance [waiver] or exception to the criteria is the minimum necessary to afford relief.
 - (2) Granting the variance [waiver] or exception will not confer upon the applicant any special privileges that are denied by this Ordinance to other property owners who are subject to its provisions and who are similarly situated.
 - (3) The variance [waiver] or exception is in harmony with the purpose and intent of this Ordinance and is not of substantial detriment to water quality.
 - (4) The variance [waiver] or exception request is not based upon conditions or circumstances that are self-created or self-imposed.
 - (5) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
 - (6) Other findings, as appropriate to the [County_City_Town] Administrator are met.
- (B) *Administrative variances [waivers].* The [County_City_Town] Administrator shall approve, deny, or approve with conditions an application requesting an administrative variance [waiver] following the review of a complete application, as defined under subsection 113(A) of this Ordinance. No such application shall be accepted by the [County_City_Town] Administrator unless accompanied by a nonrefundable fee in the amount of [\$XXX.00] dollars.
- (1) The [County_City_Town] Administrator may establish such review policies as they deem expedient in implementing the intent of this Ordinance. In approving an application, the [County_City_Town] Administrator shall, if warranted, include reasonable and appropriate conditions that will prevent the degradation of water quality.

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- (2) No administrative variance [waiver] or exception shall be granted to Section 106 of this Ordinance, general performance standards, unless the [County_City_Town] Administrator makes the findings required in subsection 113(A) of this Ordinance.
- (3) Administrative variances [waivers] to provisions within sections of this Ordinance other than 106 or 107 may be granted, provided that:
- (a) Variances [waivers] to the criteria shall be the minimum necessary to afford relief.
 - (b) Reasonable and appropriate conditions upon any variance [waiver] granted shall be imposed, as necessary, so that the purpose and intent of this Ordinance is preserved.
- (C) *Formal exceptions.* Exceptions from the criteria of Section 107 of this Ordinance, development criteria for Resource Protection Areas, require public notice and a public hearing before the Chesapeake Bay Preservation Board (Board) [or other locally elected or appointed body]. Complete applications for an exception shall be submitted to the [County_City_Town] Administrator for review and evaluation prior to being forwarded to the Board for consideration. No such application for an exception shall be accepted by the [County_City_Town] Administrator unless accompanied by a nonrefundable fee in the amount of [\$XXX.00] dollars. Such fee shall include all costs of notification and advertising.
- (1) The [County_City_Town] Administrator shall review complete applications for an exception to the requirements of Section 107 of this Ordinance, including the water quality impact assessment and resiliency assessment, and provide the Board and the applicant with copies of the submitted materials, an evaluation of the required findings and potential impacts of the proposed exception, and such other information as may aid the Board in considering the application no less than five (5) days prior to the scheduled hearing.
 - (2) Not later than 60 days after the receipt of a complete application, the Board shall hold a public hearing on such application. Notice of the time and place of the hearing shall be published no less than once per week for two (2) consecutive weeks prior to such hearing in a newspaper having a general circulation in the [County_City_Town]. The second such notice shall appear not less than five (5) days nor more than 21 days prior to the hearing.
 - (3) The Board shall notify, by first class mail, all property owners adjacent to the subject property and each waterfront property owner across the waterway from the subject property, if the water body is less than 500-feet wide, of the public hearing at least five (5) days prior to the hearing.
 - (4) The Board may make, alter and rescind rules for its procedures not inconsistent with the provisions of this Ordinance; provided, however, that a quorum shall be not less than a majority of the members of the Board, and provided further, that the concurring vote of a majority of the members of the Board present and voting shall be required to grant any exception.
 - (5) The Board shall approve, deny, or approve with conditions an application requesting an exception to the requirements of Section 107 following the review of a complete application and a determination that the proposed project meets the findings required by subsection 113(A) above.
- (D) No application for relief from sections 106 or 107 of this Ordinance shall be considered complete where a resiliency assessment, as outlined in Section 109 of this Ordinance, has not occurred or the proposed adaptation measure allows for the use of fill in a Resource Protection Area in contravention to the requirements of subsection 107(D)(1)(e)5 of this Ordinance.

Sec. 114. Appeals.

- (A) Any order, determination or decision made by the [County_City_Town] Administrator or any administrative officer in the administration or enforcement of this Ordinance, including any decision on an application for an administrative variance [waiver] or a formal exception, may be appealed by any person aggrieved by the decision to the Board by application filed with the [County_City_Town] Administrator within 15 days from the date of such order, determination or decision. Such application shall state with particularity the grounds of such

appeal. Any application failing to do so shall be rejected by the [County_City_Town] Administrator. The filing of an appeal shall not stay any proceedings in furtherance of the action appealed from.

- (B) The fees and notice requirements for appeals under subsection (A) hereof shall be as set forth in Section 113 of this Ordinance.
- (C) Any party aggrieved of a decision of the [County_City_Town] Administrator or the Board may, within 30 days of the date of such decision, petition the circuit court to review such decision. The procedure in such cases shall be as provided in Va. Code § 15.2-2314, as amended. No party having failed to appear at the hearing before the [County_City_Town] Administrator or the Board and having failed to object to the application at that time shall be deemed to be an aggrieved party; provided, however, that the [County_City_Town] shall have standing to appeal any decision of the [County_City_Town] Administrator or the Board irrespective of not having appeared before the [County_City_Town] Administrator or the Board as otherwise required by this Ordinance.
- (D) The circuit court may affirm, reverse, or modify any decision of the Board, and may impose any reasonable conditions in its judgment; provided, however, that no decision of the Board shall be disturbed unless the court shall find:
 - (1) The decision appealed from was based upon the erroneous application of the criteria set forth in subsection 113 (A) of this Ordinance or was based upon grounds other than those set forth therein.
 - (2) There was no substantial evidence upon which the Board could have made all findings required by subsection 113 (A) of this Ordinance.
 - (3) The decision of the Board was plainly wrong.
 - (4) The Board failed to impose reasonable and appropriate conditions intended to prevent the variance from causing or contributing to a degradation of water quality.

Sec. 115. Violations; penalties.

- (A) Without limiting the remedies which may be pursued under this Ordinance, any person who (i) violates any provision of this Ordinance or (ii) who violates, fails, neglects, or refuses to obey any notice, order, rule, regulation, variance, exception, or permit condition authorized under this Ordinance shall, upon such finding by the circuit court, be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00) for each day of violation. Such penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the [County_City_Town] for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas within the [County_City_Town], in such a manner as the court may direct by order, except that in the event the [County_City_Town] or its agent is the violator, the court shall direct the penalty to be paid into the treasury of the Commonwealth.
- (B) Without limiting the remedies which may be pursued under this Ordinance, and with the consent of any person who has violated any provision of this Ordinance, or who has violated, failed, neglected, or refused to obey any notice, order, rule, regulation, variance, exception, or permit condition authorized under this Ordinance, the [City_Town] Council [OR County Board of Supervisors] may provide for the issuance of an order against such person for the one-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 the [County_City_Town] for the purpose of abating environmental damage or restoring Chesapeake Bay Preservation Areas in the [County_City_Town], except that in the event the [County_City_Town] or its agent is the violator, the civil charges shall be paid into the treasury of the Commonwealth. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection 115(A) of this subsection. Civil charges may be in addition to the cost of any restoration required by the [City_Town] Council [OR Board of Supervisors].
- (C) In addition to, and not in lieu of, the penalties prescribed in subsections (A) and (B) hereof, the [County_City_Town] may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this Ordinance and may seek any other remedy authorized by law.

(D) Upon notice from the [County_City_Town] Administrator that any activity is being conducted in violation of any of the provisions of this Ordinance, such activity shall immediately be stopped. An order to stop work shall be in writing and shall state the nature of the violation and the conditions under which the activity may be resumed. No such order shall be effective until it shall have been tendered to the owner of the property upon which the activity is conducted or his agent or to any person conducting such activity. Any person who shall continue an activity ordered to be stopped, except as directed in the stop-work order, shall be guilty of a violation of this Ordinance.

Sec. 116. Severability.

The provisions of this Ordinance shall be deemed to be severable, and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this ordinance shall remain in full force and effect and their validity shall remain unimpaired.

Sec. 117. Vested rights.

The provisions of this Ordinance shall not affect the vested rights of any person under existing law.

Sec. 118. Enforcement.

This Ordinance shall be enforced by the [County_City_Town] Administrator, who shall exercise all authority of police officers in the performance of their duties. Such authority shall include, without limitation, the authority to issue summonses directing the appearance before a court of competent jurisdiction of any person alleged to have violated any of the provisions of this Ordinance.

Sec. 119. Effective date.

This Ordinance shall become effective on the first day of _____, 2025.



King and Queen County

Founded 1691 in Virginia

Office of the Zoning Administrator
P.O. Box 177 • King and Queen Court House, Virginia 23085
Phone: (804) 785-5985 • Fax: (804) 785-5999

MEMORANDUM

TO: King & Queen County Board of Supervisors
Vivian Seay, County Administrator/County Attorney

FROM: Donna Sprouse, Director of Community Development

DATE: September 2, 2026

RE: Request for the Board of Supervisors to set a public hearing

During the September 1, 2026, Planning Commission meeting, the Planning Commission held a public hearing to consider the following...

- **ZA25-01 Zoning Text Amendment – Article 12, Chesapeake Bay Overlay District**

An Amendment to include new legislative requirements to address coastal resiliency and adaptation due to sea-level rise and climate change when considering proposed development in Chesapeake Bay Preservation Areas.

A motion was made by Mr. Fleming to recommend approval of ZA25-01, as presented. Mr. Fleming's motion was seconded by Mr. Massey.

Voting For: Fleming, Massey, Thomas, Coleman, Wilson, Richardson, Shackelford and Bradley

Voting Against: None

Abstain: None

Absent: Allen & Jackson

The Commission requests that you accept their recommendation of approval and set a public hearing for your consideration.

August 1, 2026

Revised October 6, 2026

CONDITIONAL USE PERMIT, CUP26-02

Applicant – *The Towers, LLC (d/b/a Vertical Bridge) &*

Cellco Partnership (d/b/a Verizon Wireless)

22 W Atlantic Ave., Suite 310, Delray Beach, FL 33444

Owner – *Clyde Scott Mitchell*

PO Box 6, Walkerton, VA 23177

Agent – *Lisa Murphy*

Willcox & Savage, P.C.

440 Monticello Ave., Suite 2200, Norfolk, VA 23510

BACKGROUND

The Planning and Zoning Department received an application dated July 22, 2026, received July 24, 2026, from Lisa Murphy on behalf of The Towers, LLC (d/b/a Vertical Bridge) & Cellco Partnership (d/b/a Verizon Wireless), requesting approval of a Conditional Use Permit to allow the construction of a new 195' tall self supporting wireless communications tower (including the 4 foot lightning rod, total height of 199') and a 45' x 45' fenced compound area for the tower and associated equipment in a 100' x 100' leased area.

GENERAL INFORMATION

Location

The property is located at the intersection of (Route 636) Minter Lane and (Route 634) Canterbury Road, in the Newtown Magisterial District, County Tax Map Parcel No. 1632-53L-56.

Proposal

Cellco Partnership d.b.a Verizon Wireless originally requested approval of a conditional use permit to construct and operate a 195-foot self-support lattice telecommunication tower with a 4-foot lightning rod for a total structure height of 199-feet above ground level. During the October 6, 2026 Planning Commission meeting, the applicant submitted plans for a 195-foot self-support monopole telecommunication tower with a 4-foot lightning rod for a total structure height of 199-feet above ground level. The proposed telecommunication tower will be located within a 45-foot x 45-foot fenced compound within a 10,000 square foot lease area. The

proposed telecommunication tower will be a tower with a galvanized steel finish, which will blend with the sky and will not be marked or lit. Mature trees and vegetation within the proposed leased area will provide screening. The tower will be surrounded by a ten (10) foot chain link fence topped with (one) foot of barbed wire.

Zoning

The property is zoned Agricultural. Other surrounding land uses include agricultural and residential uses.

Planning Department

According to Chapter 3, Article 4, Permitted Use Table 4.1, Communications facility towers are permitted in the Agricultural and/or GB1, GB2 and Industrial zoning districts with an approved Conditional Use Permit.

ARTICLE 8 TELECOMMUNICATION TOWERS & ANTENNAS

3-170 Purpose

The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are to: (I) encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the community, (II) encourage strongly the joint use of new and existing tower sites, (III) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (IV) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, (V) to provide adequate sites for the provision of wireless communication services with minimal negative impact on the resources of the county.

3-171 Applicability

The requirements set forth in this article shall govern the location of towers that exceed and antennas that are installed at greater than fifty (50) feet in height and dish antennae/satellite dishes over six (6) feet in diameter at any height.

3-172 Definitions

1. **Alternative Tower Structure** – *Man-made trees, silos, clock towers, steeples, utility companies power transmission towers, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.*
2. **Antenna** – *Any apparatus designed for telephonic, data, radio or television communications through the sending and/or receiving of electromagnetic waves.*

3. **Dish Antenna/Satellite Dishes -**
4. **FAA – The Federal Aviation Administration**
5. **FCC – The Federal Communications Commission**
6. **Height** – When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lighting rod.
7. **Tower** – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like.

3-173 Availability of Suitable Existing Towers or Other Structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following.

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, cost, or contractual provisions required by the owner in order to share and existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. The applicant demonstrated that there are other limiting factors that render existing towers and structures unsuitable.

3-174 Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the

governing authority may, reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.

- 1. Towers must be set back a distance equal to 200 percent of the height of the tower from any existing off-site residential structure and in no case less than 400 feet.*
- 2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures; and*
- 3. The distance from the base of all towers to the property boundary of the parcel upon which the tower is located shall be 110 percent of the height of the tower.*

3-175 Security Fencing

Towers shall be enclosed by security fencing not less than ten feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate.

3-176 Landscaping

The following requirements shall govern the landscaping surrounding towers for which a conditional use permit is required or any dish antenna/satellite dish over six (6) feet in diameter in zoning district LB or GB; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby.

- 1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound. Every dish antenna/satellite dish shall be landscaped as much as practical with a buffer of plant materials that effectively screens the view from adjacent properties.*
- 2. In locations where the visual impact of the tower or dish antenna/satellite dish would be minimal, the landscaping requirement may be reduced or waived altogether.*
- 3. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers or dish antennae/satellite dishes sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.*
- 4. In the event the base of the tower or a dish antenna/satellite dish becomes visible from the adjacent property lines because of changes on the subject property, the base shall promptly be screened with evergreen landscaping where visible, as determined by the Zoning Administrator.*

3-177 Local Government Access

Owners of towers shall provide the county co-location opportunities without compensation as a community benefit to improve radio communication for county departments and emergency services.

3-178 Removal of Appended Antennas and Towers

Any antenna or tower that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, any and all footers; underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the county may require the landowner to have it removed.

3-179 Design and Lighting

The requirement set forth in this section shall govern the location of all towers and the installation of all antennas governed by the supplementary regulations;

- 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.*
- 2. At a facility site, the design of the buildings and related structures shall, to the extent possible, use materials; colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and surrounding structures.*
- 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting-structure so as to make the antennae and related equipment as visually unobtrusive as possible.*
- 4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the county may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.*
- 5. No advertising of any type may be placed on the tower or accompanying facility unless as part of retrofitting an existing sign structure.*
- 6. To permit co-location, the tower shall be designed and constructed to permit extensions to a maximum height of one hundred ninety-nine (199) feet, except as otherwise provided in the approved conditional use permit.*
- 7. Towers shall be designed to collapse within the lot lines in case of structural failure.*
- 8. Except where the provisions of an approved conditional use permit by special exception or other governmental regulations restrict the height of the tower, or where a stealth design is used, an engineering report, certifying that the proposed tower is compatible for co-location with a minimum of four (4) users including the primary user, must be submitted. If the height of the tower is restricted or a*

stealth design is used and the tower cannot accommodate four (4) users, then a report must be submitted that describes the design limitations for co-location.

3-180 Federal Requirements

All new towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

3-181 Building Codes

To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

3-182 Factors Considered in Granting Conditional Use Permits

The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- 1. Height of the proposed tower;*
- 2. Proximity of the tower to residential structures and residential district boundaries;*
- 3. Nature of the uses on adjacent and nearby properties;*
- 4. Surrounding topography;*
- 5. Surrounding tree coverage and foliage;*
- 6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;*
- 7. Proposed ingress and egress*
- 8. Co-location policy which outlines policy regarding company's willingness to co-locate on other company towers, company's willingness to accept other uses on its towers and fees charged for additional antennas;*
- 9. Language of the lease agreement;*
- 10. Consistency with the comprehensive plan and the purposes to be served by zoning; and*

11. *Availability of suitable existing towers and other structures as discussed in Section 3-173 of this article.*

RECOMMENDATION

Staff suggested conditions are noted below, if approval should be granted

REVISED RECOMMENDATION

10/06/2026

1. The communications tower and related facilities shall be located within the 100' x 100' lease area as depicted on the Site Plan, entitled "Verizon Minter Lane, Walkerton, Virginia 23177," prepared by Dewberry Engineers Inc., dated 09.30.2026.
2. Where a 50' natural treed vegetation buffer around the fence is not provided, a four (4) foot strip of evergreen trees, seven (7) feet in height at planting will be planted fifteen (15) feet apart and maintained around the exterior of the security fence throughout the term of the lease and/or completion of tower decommission, whichever is longer.
3. The communications tower will be a self-supporting monopole tower with a galvanized steel finish and shall be of a neutral color, subject to any applicable standards of the FAA. Dish antennas will be of a neutral, non-reflective color with no logos.
4. The communications tower will be designed to accommodate a total of four (4) users and to collapse within the lot lines of the subject property. Prior to the issuance of a building permit, the applicant will submit a report from a registered structural or civil engineer indicating the tower height, the total anticipated capacity of the structure and the area of potential impact in the event of a structural failure.
5. Subject to federal law, the height of the communications tower, including the lightning rod, will not exceed 199 feet above ground level.
6. The communications tower shall be enclosed by a ten (10) foot security fence with a one (1) foot of anti-climbing device for a total height of eleven (11) feet.

7. No advertising signage will be installed on the tower. Signage will be limited to warning signs or other signage associated with the operation of the tower and related antennas and equipment.

8. Any antenna or tower that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, any and all footers; underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the county may require the landowner to have it removed.

9. All structures and activities at the property shall comply with all local, state and federal regulations, codes and laws.



King and Queen County

Founded 1691 in Virginia

Office of the Zoning Administrator
P.O. Box 177 • King and Queen Court House, Virginia 23085
Phone: (804) 785-5985 • Fax: (804) 785-5999

MEMORANDUM

TO: King & Queen County Board of Supervisors
Vivian Seay, County Administrator/County Attorney

FROM: Donna Sprouse, Director of Community Development

DATE: October 7, 2026

RE: CUP26-02 – The Towers, LLC (Vertical Bridge) & Cellco Partnership (Verizon Wireless) – Planning Commission Recommendation

During the October 6, 2026, Planning Commission meeting, the Planning Commission held a public hearing to consider the following...

- **CUP26-02 – The Towers, LLC (Vertical Bridge) & Cellco Partnership (Verizon Wireless)**

Requesting approval of a Conditional Use Permit for a 195' communications tower with a 4' lightening rod (total 199' tall), located on County Tax Map Parcel No. 1632-53L-56. The site location is at the intersection of (Route 636) Minter Lane and (Route 634) Canterbury Road, in the Newtown Magisterial District. The property is owned by Clyde Scott Mitchell.

After some discussion, the Commission unanimously voted to recommend approval of CUP26-02 along with the following conditions:

1. *The communications tower and related facilities shall be located within the 100' x 100' lease area as depicted on the Site Plan, entitled "Verizon Minter Lane, Walkerton, Virginia 23177," prepared by Dewberry Engineers Inc., dated 09.30.2026.*
2. *Where a 50' natural treed vegetation buffer around the fence is not provided, a four (4) foot strip of evergreen trees, seven (7) feet in height at planting will be planted fifteen*

(15) feet apart and maintained around the exterior of the security fence throughout the term of the lease and/or completion of tower decommission, whichever is longer.

3. The communications tower will be a self-supporting monopole tower with a galvanized steel finish and shall be of a neutral color, subject to any applicable standards of the FAA. Dish antennas will be of a neutral, non-reflective color with no logos.

4. The communications tower will be designed to accommodate a total of four (4) users and to collapse within the lot lines of the subject property. Prior to the issuance of a building permit, the applicant will submit a report from a registered structural or civil engineer indicating the tower height, the total anticipated capacity of the structure and the area of potential impact in the event of a structural failure.

5. Subject to federal law, the height of the communications tower, including the lightning rod, will not exceed 199 feet above ground level.

6. The communications tower shall be enclosed by a ten (10) foot security fence with a one (1) foot of anti-climbing device for a total height of eleven (11) feet.

7. No advertising signage will be installed on the tower. Signage will be limited to warning signs or other signage associated with the operation of the tower and related antennas and equipment.

8. Any antenna or tower that is not operated for a continuous period of 6 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the governing authority notifying the owner of such removal requirement. Removal includes the removal of the tower, any and all footers; underground cables and support buildings. The buildings may remain with owner's approval. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the county may require the landowner to have it removed.

9. All structures and activities at the property shall comply with all local, state and federal regulations, codes and laws.

King & Queen County Land Development Application

CUP26-02

Planning & Zoning Department
P.O. Box 177
King & Queen Courthouse, VA 23085
Phone: (804) 785-5975 or (804) 769-5000
Fax: (804) 785-5999 or (804) 769-5070

**Please print in ink or use a typewriter*

Applicant: The Towers, LLC (d/b/a Vertical Bridge) & Celco Partnership (d/b/a Verizon Wireless)

Applicant's Address: _____

Applicant's Phone: 757-628-5540

Agent (Contact Person): Lisa M. Murphy

Agent's Address: Willcox & Savage, P.C.,

Current Property Owner: Clyde Scott Mitchell

Owner's Address: _____

Owner's Phone: 804-769-4275

Correspondence to be sent to: _____ Applicant _____ Owner _____ Agent X Other _____

Tax Map Number: 32-53L-56 Magisterial District: Newtown

General Project Location: Minter Lane (SR 636) near its intersection with Canterbury Road (SR 634)

Size of Request: 10,000 square foot Lease Area, together with a 30-Foot Non-Exclusive Access Utility & Fiber Easement

*Are Proffer's being offered along with this Application: YES _____ or NO X . If so please attach.

Check Appropriate Request:

Zoning Administrator

_____: Site Plan (Level 1)
_____: 1-2 Lot Subdivision Request
_____: Family Subdivision Review
_____: Boundary Line Adjustment
_____: Plat Approval

Planning Commission

_____: Site Plan (Level 2)
_____: Chesapeake Bay Exception
_____: Other
_____: Final Plat Review for Minor & Major Subdivision

Planning Commission & Board of Supervisors

_____: Rezoning
X : Conditional Use Permit
_____: Zoning Ordinance Text Amendment
_____: Subdivision Ordinance Text Amendment
_____: Site Plan (Level 3)
_____: Other
_____: Preliminary Plat Review for Minor & Major Subdivision

Board of Zoning Appeals

_____: Administrative Appeal
_____: Variance
_____: Special Exception
_____: Other

King & Queen County Land Development Application

Complete As Applicable:

Name of Subdivision, Development, or Proposal: US-VA-5452 (Walkerton) Minter Lane, Walkerton, VA 23177 195 Foot Self-Support Lattice Tower

Proposal/Request: Applicant is requesting approval of a conditional use permit to install and operate a 195-Foot Self-Support Lattice Tower with a 4-Foot lightning rod, together with related antennas and equipment within a 10,000 square foot portion of the subject property.

Reason for Request: See Attached Project Narrative.

Applicant: The information provided is accurate to the best of my knowledge. I acknowledge that any percolation tests, topographic studies, or other requirements of the Health Official or the Zoning Administrator will be carried out at my expense. I understand that the County may deny, approve, or conditionally approve that for which I am applying. I certify that all property corners have been clearly staked and flagged.

Applicant's Signature: *[Signature]* Date: 7/22/26
Agent for Applicant

Owner: I have read this completed application, understand its content, and freely consent to it's filing. If this application is for the purpose of subdivision, further subdivision of this property will require a new application and approval by the Board of Supervisors. Furthermore, I grant permission to the Zoning Administrator and the other County Officials to enter the property and make such investigations and tests as they deem necessary.

Owner's Signature: Clyde Scott Mitchell Date: 7/22/26

**Conditional Use Permit Application
The Towers, LLC (d/b/a Vertical Bridge) &
Cellco Partnership d/b/a Verizon Wireless
195-Foot Self-Support Lattice Telecommunication Tower
With a 4-Foot Lightning Rod
Parcel ID 32 53L 56 ("Property")**

Project Narrative

The Towers, LLC (d/b/a Vertical Bridge) and Cellco Partnership (d/b/a Verizon Wireless) (collectively, "Applicant") seek a conditional use permit from the King and Queen County Board of Supervisors in order to construct and operate a 195-foot self-support lattice telecommunication tower with a 4-foot lightning rod, together with related wireless antennas and equipment (collectively, "Telecommunications Facility") on an approximately 10,000 square foot portion of the referenced approximately 183-acre parcel, which is zoned Agriculture. A copy of the Applicant's completed King and Queen County Land Development Application ("Application") is included herewith.

Verizon Wireless is licensed by the Federal Communications Commission to provide wireless communications services throughout King and Queen County ("County") and the surrounding region. The proposed Telecommunications Facility is critical to Verizon Wireless' goal of providing state-of-the-art voice and data services in King and Queen County, including wireless internet, in Walkerton along Minter Lane (SR 636) and Canterbury Road (SR 634) and to businesses and residents in the surrounding area. As indicated on the aerial network map included with this Project Narrative ("Network Map"), antennas operating on the proposed telecommunication tower, which is depicted with a yellow pin and labeled "Proposed Walkerton Tower" will connect with Verizon Wireless' existing antenna sites identified with yellow pins to the northwest labeled "Chatham Hill Road Tower" and to the northeast labeled "Fleets Mill Road Tower", which are both approximately 5 miles away from the proposed tower.

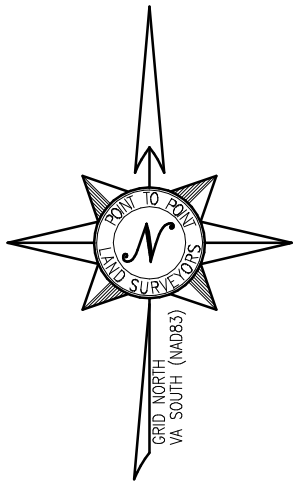
Like the networks of other wireless carriers, Verizon Wireless' network of antenna sites is largely based on the use of existing towers and tall structures built by Verizon Wireless and other wireless carriers and tower companies. Before determining that a new telecommunication tower was necessary to satisfy its coverage objectives, Verizon Wireless first searched the area around the yellow pin labeled, "Proposed Walkerton Tower" on the Network Map, for existing towers and/or tall structures on which it could co-locate its antennas. Verizon Wireless is already operating antennas on the only telecommunication towers within a 5-mile radius of the proposed tower, which are the towers labeled "Chatham Hill Road Tower" and "Fleets Mill Road Tower" on the Network Map. There are no other towers or tall structures within a 5-mile radius on which Verizon Wireless could install its antennas. Because there are no other existing towers or tall structures in the search area on which Verizon Wireless could locate its antennas, the Applicant is seeking a conditional use permit and in

order to construct and operate a galvanized steel self-support lattice telecommunication tower with related antennas and equipment on the Property.

As depicted on the zoning drawings ("Zoning Drawings") included with this Project Narrative, prepared by Hillary G. Siegall, PE, of Dewberry Engineers, Inc. ("Dewberry"), and stamped on June 24, 2026, the Applicant proposes to construct and operate a 195-foot self-support lattice telecommunication tower with a 4-foot lightning rod for a total structure height of 199-feet above ground level. The proposed telecommunication tower will be located within a 60-foot x 60-foot fenced compound within a 10,000 square foot lease area ("Lease Area") on the Property owned by Clyde Scott Mitchell ("Owner") approximately 400 feet from Minter Lane (SR 636). The Telecommunications Facility will be accessed from Minter Lane through a gravel driveway within a 30-foot-wide non-exclusive Access, Fiber & Utility Easement. The proposed telecommunication tower will be a self-support lattice tower with a galvanized steel finish, which will blend with the sky and will not be marked or lit. Mature trees and vegetation to the northwest and southwest of the site will provide screening. The tower will be surrounded by a ten (10) foot chain link fence topped with (one) foot of barbed wire.

The tower will be designed to accommodate a total of three (3) sets of antennas, including those of the Applicant in order to foster the County's goals of collocation and improved wireless services. As the Zoning Drawings indicate, the large trees and mature vegetation on to the north, south and east of the proposed tower will provide an excellent natural buffer to adjacent properties. In addition, the proposed tower will be located 400 feet from Minter Lane (SR 636), 1,275 feet from the property line to the northeast, 1,280 feet from the property line to the southeast and 3,275 feet from the property line to the southwest on the subject 183-acre Property. The closest off-site residence, which is to the northwest of the proposed tower, is over 1,660 feet away. The view of the base of the tower and the communications equipment on the ground will be screened with a four (4) foot strip of Leland cypress trees seven (7) feet in height at planting, which will be planted along the exterior of the security fence.

The Telecommunications Facility will operate continuously, twenty-four (24) hours a day, seven (7) days a week, but will be unmanned and will be visited infrequently by a technician for regular service or during service outages. Once construction is complete, the Telecommunications Facility will not generate any noise, vibrations, dust or fumes. It will not create any traffic and will not have any impact on water service, wastewater disposal, solid waste disposal or other County services, but it will benefit fire, rescue and law enforcement through enhanced emergency communications. Given the location of the proposed tower in a vegetated unused portion of the subject Property far from any homes, this site is the ideal location for a new tower, which is passive in nature, and will have a minimal impact on surrounding uses.



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO: VERTICAL BRIDGE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ITS SUBSIDIARIES, AND THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, ITS LENDERS, AND ADMINISTRATIVE AGENTS AND EACH OF THEIR RESPECTIVE SUCCESSORS AND/OR ASSIGNS, AND TOWER TITLE, LLC

POC: IPF 1/2" RB @ INTERSECTION OF EAST LINE OF MITCHELL LANDS & SOUTHERN R/W LINE OF VIRGINIA STATE ROUTE 636
N=3801560.4613 E=11906831.2172

15. APPROXIMATE LOCATION OF PERMANENT DRAINAGE EASEMENT (PER INST NO. 090000371)

N/F
WILBERT E. BANKS
MAP ID. 32 53L 55B
10.0 ACRE TRACT
CAB 2 SLIDE 235A

N/F
TIMBER RESOURCES, LLC
MAP ID. 32 53R 62
DB 204 PG 376
PORTION OF 451.50 ACRE TRACT
PB 3 PG195

100' x 100'
LEASED PREMISES
(SEE SHEET 2 FOR DETAILS)

APPROXIMATE LIMITS OF FLOOD ZONE "X" AS SCALED FROM PANEL NO. 51097C0160D & 51097C0095D

N/F
PARENT PARCEL
CLYDE S. MITCHELL
MAP ID. 32 53L 56
DB 13 PG 277
188 ACRE TRACT
PB 6 PG 8

N/F
LILLIAN WALKER JONES, ET AL.
MAP ID. 32 53L 57
DB 110 PG 361

N/F
ANN M. RANSONE
MAP ID. 32 53L 56A
DB 85 PG 1

N/F
ROBERT B. & ANN L. DUVAL
MAP ID. 32 53L 56B
DB 118 PG 364

VIRGINIA STATE ROUTE 636
ALSO KNOWN AS MINTER LANE
30' WIDE PUBLIC RIGHT-OF-WAY
(PER INST NO. 14000609)

20' WIDE
NON-EXCLUSIVE EASEMENT
FOR INGRESS & EGRESS
(PER DB 85 PG 1)

10' EASEMENT
(PER DB 86 PG 135)

14. APPROXIMATE LOCATION OF
VEPCO RIGHT-OF-WAY
(PER INST NO. 070000794)

VIRGINIA STATE ROUTE 634
ALSO KNOWN AS CANTERBURY ROAD
IPF 1/2" RB

LEGEND

POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
IPS IRON PIN SET
IPF IRON PIN FOUND
RB REBAR
INV INVERT
EP EDGE OF PAVEMENT
CPP CORRUGATED PLASTIC PIPE
N/F NOW OR FORMERLY
R/W RIGHT-OF-WAY



BENCHMARK



CALL BEFORE YOU DIG



VICINITY MAP

NOT TO SCALE

GENERAL NOTES

* THIS SPECIFIC PURPOSE SURVEY IS FOR THE LEASED PREMISES AND EASEMENTS ONLY. THIS SPECIFIC PURPOSE SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE TOWERS, LLC AND EXCLUSIVELY FOR THE TRANSFERRAL OF THE LEASED PREMISES AND THE RIGHTS OF EASEMENT SHOWN HEREON AND SHALL NOT BE USED AS AN EXHIBIT OR EVIDENCE IN THE FEE SIMPLE TRANSFERRAL OF THE PARENT PARCEL NOR ANY PORTION OR PORTIONS THEREOF. BOUNDARY INFORMATION SHOWN HEREON HAS BEEN COMPILED FROM TAX MAPS AND DEED DESCRIPTIONS ONLY. NO BOUNDARY SURVEY OF THE PARENT PARCEL WAS PERFORMED.

THIS DRAWING DOES NOT REPRESENT A BOUNDARY SURVEY.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: GEOMAX ZOOM ROBOTIC AND CARLSON BRx7 BASE AND ROVER [DATE OF LAST FIELD VISIT: 03/06/2026]. SEE GNSS NOTES FOR GNSS EQUIPMENT.

THE 1' CONTOURS AND SPOT ELEVATIONS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE ADJUSTED TO NAVD 88 DATUM (COMPUTED USING GEOID18) AND HAVE A VERTICAL ACCURACY OF ± 0.5'. CONTOURS OUTSIDE THE IMMEDIATE SITE AREA ARE APPROXIMATE.

BEARINGS SHOWN ON THIS SPECIFIC PURPOSE SURVEY ARE BASED ON VIRGINIA GRID NORTH (NAD 83) SOUTH ZONE.

PER GRAPHICAL INTERPRETATION OF THE FEMA FLOODPLAIN MAPS, THE SITE IS LOCATED IN AN AREA DESIGNATED AS ZONE X (AREA OF MINIMAL FLOOD HAZARD) & ZONE A (NO BFE) AS SHOWN HEREON. COMMUNITY PANEL NO. : 51097C0160D & 51097C0095D DATED: 10/21/2021

NO WETLAND AREAS HAVE BEEN INVESTIGATED BY THIS SPECIFIC PURPOSE SURVEY.

ALL ZONING INFORMATION SHOULD BE VERIFIED WITH THE PROPER ZONING OFFICIALS.

ANY UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM ABOVE GROUND FIELD SURVEY INFORMATION. THE SURVEYOR MAKES NO GUARANTEES THAT ANY UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT ANY UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES.

NOT ALL IMPROVEMENTS SHOWN HEREON.

THERE WERE NO VISIBLE ENCROACHMENTS AFFECTING THE LEASE AREA, OR ANY OF THE EASEMENTS, AT THE TIME THE SURVEY WAS COMPLETED.

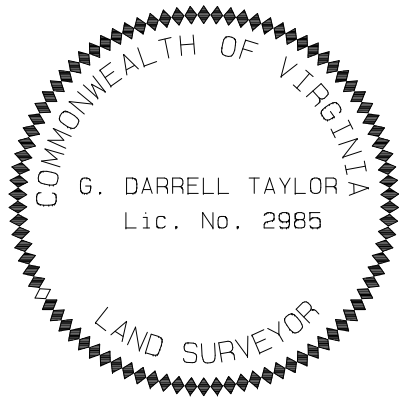
THE LEASE AREA AND ALL EASEMENTS LIE ENTIRELY WITHIN THE PARENT PARCEL.

THE ACCESS AND UTILITY EASEMENTS GO TO A CONFIRMED PUBLIC RIGHT-OF-WAY.

GNSS NOTES

THE FOLLOWING GNSS STATISTICS UPON WHICH THIS SURVEY IS BASED HAVE BEEN PRODUCED AT THE 95% CONFIDENCE LEVEL:

POSITIONAL ACCURACY: 0.02 FEET (HORZ) 0.26 FEET (VERT)
TYPE OF EQUIPMENT: CARLSON BRx7 BASE AND ROVER, MULTI-FREQUENCY
TYPE OF GNSS FIELD PROCEDURE: ONLINE POSITION USER SERVICE
DATE OF SURVEY: 03/06/2026
DATUM / EPOCH: NAD 83(2011)(EPOCH:2010.0000)
PUBLISHED / FIXED CONTROL USE: N/A
GEOID MODEL: 18
COMBINED GRID FACTOR(S): 0.99997080
CENTERED ON THE BASE POINT AS SHOWN HEREON.
CONVERGENCE ANGLE: 0.88757500
BENCHMARKS USED: DS3012, DL2314, DL2310

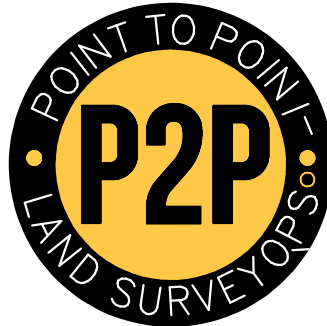


I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

G. Darrell Taylor
G. DARRELL TAYLOR, PLS
DATE: 04/02/2026

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.

* SPECIFIC PURPOSE SURVEY PREPARED BY:



100 Governors Trace, Ste. 103
Peachtree City, GA 30269
(p) 678.565.4440 (f) 678.565.4497 (w) p2pls.com

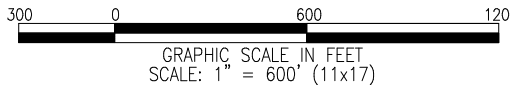
SPECIFIC PURPOSE SURVEY PREPARED FOR:



WALKERTON
US-VA-5452
NEWTON MAGISTERIAL DISTRICT, KING & QUEEN COUNTY, VIRGINIA

PARENT PARCEL

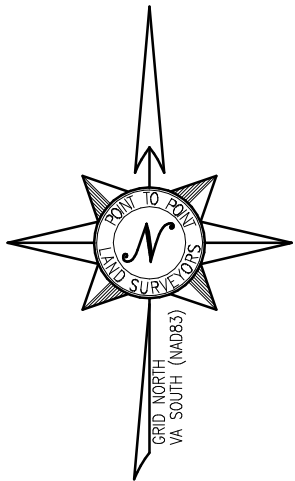
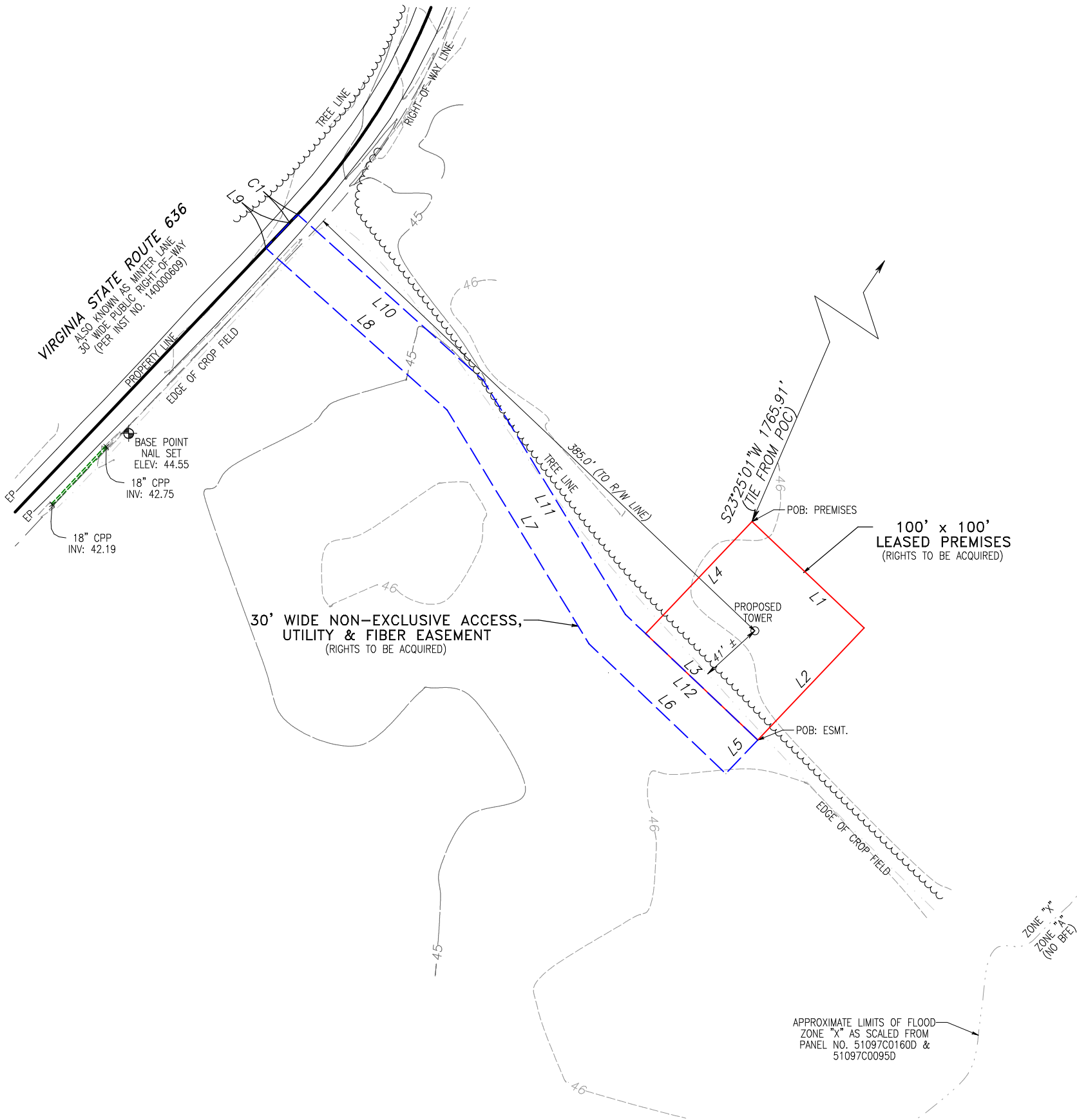
OWNER: CLYDE SCOTT MITCHELL
SITE ADDRESS: MINTER LANE, WALKERTON, VIRGINIA 23177
MAP ID: 32 53L 56
AREA: 183 ACRES (PER TAX ASSESSOR)
ZONED: A - AGRICULTURE
REFERENCES: 1. DEED BOOK 13 PAGE 277
2. PLAT BOOK 6 PAGE 8



NO.	DATE	REVISION	DRAWN BY: REE	SHEET:
1.	9/29/26	LEASED PREMISES	CHECKED BY: JKL	1
			APPROVED: D. MILLER	
			DATE: APRIL 2, 2026	
			P2P JOB #: 260267VA	OF 3

SURVEY NOT VALID WITHOUT ALL SHEETS

E:\Point To Point Dropbox\P2P Current Jobs\2026\260267VA-Walkerton\260267VA.pro



LEGEND	
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
IPS	IRON PIN SET
IPF	IRON PIN FOUND
RB	REBAR
INV	INVERT
EP	EDGE OF PAVEMENT
CPP	CORRUGATED PLASTIC PIPE
N/F	NOW OR FORMERLY
R/W	RIGHT-OF-WAY
BENCHMARK	

CURVE TABLE

LINE	ARC	RADIUS	CHD. BRG.	CHD.
C1	7.53'	425.39'	N44°04'46"E	7.53'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S46°29'27"E	100.00'
L2	S43°30'33"W	100.00'
L3	N46°29'27"W	100.00'
L4	N43°30'33"E	100.00'
L5	S43°30'33"W	30.00'
L6	N46°29'27"W	122.04'
L7	N31°14'36"W	176.89'
L8	N48°13'11"W	157.37'
L9	N43°30'33"E	22.48'
L10	S48°13'11"E	160.87'
L11	S31°14'36"E	177.35'
L12	S46°29'27"E	118.02'

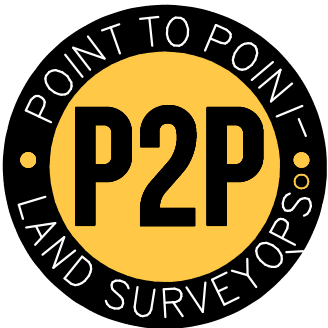


I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

G. Darrell Taylor
G. DARRELL TAYLOR, PLS
DATE: 04/02/2026

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* SPECIFIC PURPOSE SURVEY PREPARED BY:



100 Governors Trace, Ste. 103
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SPECIFIC PURPOSE SURVEY PREPARED FOR:



WALKERTON
US-VA-5452
NEWTON MAGISTERIAL DISTRICT, KING & QUEEN COUNTY, VIRGINIA

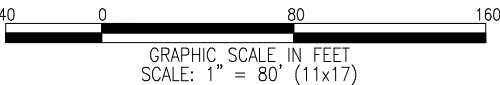
SITE INFORMATION

100' x 100' LEASED PREMISES = 10,000 SQUARE FEET (0.2296 ACRES)

AT CENTER OF PROPOSED TOWER:
LATITUDE: 37°44'59.51" (NAD 83) (37.749864°)
LONGITUDE: -77°02'10.29" (NAD 83) (-77.036192°)
ELEVATION = 46.4' A.M.S.L.

VERTICAL DATUM: NAVD 1988 (COMPUTED USING GEOID18)
HORIZONTAL DATUM: NAD83

BEARINGS ARE BASED ON VIRGINIA GRID NORTH (SOUTH ZONE)



NO.	DATE	REVISION	DRAWN BY: REE	SHEET:
1.	9/29/26	LEASED PREMISES	CHECKED BY: JKL	2
			APPROVED: D. MILLER	
			DATE: APRIL 2, 2026	
			P2P JOB #: 260267VA	OF 3

SURVEY NOT VALID WITHOUT ALL SHEETS

PARENT PARCEL

(PER TITLE COMMITMENT NO. VTB-233537-C)
FEE SIMPLE LEGAL DESCRIPTION:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND WITH BUILDINGS AND IMPROVEMENTS THEREON IN NEWTOWN MAGISTERIAL DISTRICT, KING AND QUEEN COUNTY, VIRGINIA, CONTAINING ONE HUNDRED EIGHTY-EIGHT (188) ACRES, ACCORDING TO PLAT OF SURVEY OF WILLIAM P. HALL, LICENSED SURVEYOR, DATED OCTOBER, 1966, LYING IMMEDIATELY ON THE RIGHT HAND SIDE OF THE PUBLIC ROAD LEADING FROM WALKERTON TO ST. STEPHENS CHURCH, THE SAME BEING ROUTE #634 AND BOUNDED BY SAID ROAD ON THE WEST; AND BOUNDED ON THE NORTH BY THE PUBLIC ROAD LEADING FROM THE LANDS FORMERLY OF W. A. DULING BY THE PROPERTY OF FLORENCE SAMUEL, PERCY SAMUEL, ET ALS TO THE AFORESAID PUBLIC ROAD, ROUTE #634 LEADING FROM WALKERTON TO ST. STEPHENS CHURCH; AND BOUNDED ON THE EAST BY THE LANDS OF PERCY SAMUEL AND LUCY STACY GARRETT AND ON THE SOUTH BY THE LANDS WHICH ROBBIE JONES DIED SIZED, FORMERLY W. S. HILL AND IS DEFINITELY DESCRIBED AND SHOWN ON THE AFORESAID PLAT OF WILLIAM P. HALL, LICENSED SURVEYOR, AS FOLLOWS: BEGINNING AT A POINT IN THE CENTER OF THE PUBLIC ROAD LEADING FROM ST. STEPHENS CHURCH TO WALKERTON, CORNER TO LUCY JONES (FORMERLY ROBBIE JONES); THENCE ALONG THE CENTER OF SAID ROAD TOWARDS ST. STEPHENS CHURCH NORTH 40 DEGREES WEST 1697 FEET TO A POINT OPPOSITE THE CENTER OF ROUTE #636 WHICH LEADS FROM ROUTE #634 BY THE LANDS OF FLORENCE SAMUELS, DECEASED AND OTHERS TO BRUNTING CHURCH; THENCE ALONG THE CENTER OF ROUTE #636 NORTH 51 DEGREES 15 MINUTES EAST 3550 FEET TO A POINT; THENCE FOLLOWING THE CENTER OF SAID ROAD NORTH 12 DEGREES 15 MINUTES EAST 236 FEET, NORTH 30 DEGREES EAST 600 FEET; NORTH 47 DEGREES EAST 492 FEET AND NORTH 74 DEGREES EAST 356 FEET TO A POINT, CORNER WITH THE LANDS OF PERCY SAMUEL; THENCE SOUTH 18 DEGREES EAST 154 FEET, SOUTH 11 DEGREES 30 MINUTES EAST 227 FEET, SOUTH 9 DEGREES EAST 166 FEET, SOUTH 10 DEGREES EAST 74 FEET, SOUTH 9 DEGREES EAST 196 FEET TO AN 18 INCH ROD OAK . OLD CHOP; SOUTH 9 DEGREES 35 MINUTES EAST 311 FEET TO 10 INCH WHITE OAK; SOUTH 9 DEGREES EAST 268 FEET TO IRON STOB, SOUTH 32 DEGREES EAST 708 FEET TO IRON STOB AT 24 INCH WHITE OAK; THENCE SOUTH 51 DEGREES WEST 4336 FEET TO THE CENTER OF STATE ROUTE #634, THE POINT OF BEGINNING.

LESS AND EXCEPT:

ALL THAT CERTAIN PIECE OR PARCEL OF LAND, SITUATED, LYING AND BEING IN NEWTOWN MAGISTERIAL DISTRICT, KING AND QUEEN COUNTY, VIRGINIA, CONTAINING THREE AND NINE HUNDREDTHS (3.09) ACRES, AND BOUNDED ON THE NORTH, SOUTH EAST AND WEST, BY THE PROPERTY OF JOHN LANE MITCHELL, AS SHOWN ON A CERTAIN PLAT OF SURVEY BY R. H. HIGHLAND, CERTIFIED LAND SURVEYOR, DATED DECEMBER 17, 1977, A TRUE COPY OF WHICH PLAT IS ATTACHED HERETO, MADE A PART HEREOF, AND ACCORDING TO THE SAID PLAT THE PROPERTY HEREIN CONVEYED IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, CORNER TO THE REMAINING PROPERTY OF JOHN LANE MITCHELL, AND THE PARCEL OF LAND HEREIN CONVEYED, THENCE NORTH 49° 58. EAST 622.32 FEET TO A ROD, CORNER TO THE REMAINING PROPERTY OF JOHN LANE MITCHELL AND THE PARCEL OF LAND HEREIN CONVEYED; THENCE SOUTH 4° 03. EAST 220.83 FEET TO A ROD, CORNER TO THE REMAINING PROPERTY OF JOHN LANE MITCHELL AND THE PARCEL OF LAND HEREIN CONVEYED; THENCE SOUTH 28° 37. WEST 446.43 FEET TO A ROD, CORNER TO THE REMAINING PROPERTY OF JOHN LANE MITCHELL AND THE PARCEL OF LAND HEREIN CONVEYED; THENCE NORTH 53° 01. WEST 350.65 FEET TO THE POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

ALL THAT CERTAIN LOT OR PARCEL OF LAND IN STEVENSVILLE MAGISTERIAL DISTRICT, KING AND QUEEN COUNTY, VIRGINIA CONTAINING TWO (2) ACRES PER PLAT OF G. T. WILSON, JR., CERTIFIED SURVEYOR DATED MARCH 11, 1988 ENTITLED "PLAT OF SURVEY A PARCEL CONTAINING 02.00 ACRES OWNED BY JOHN LANE MITCHELL, SR.", A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AND TO WHICH REFERENCE IS HEREBY MADE FOR A MORE ACCURATE DESCRIPTION OF THE LAND HEREBY CONVEYED.

PARCEL ID: 32 53L 56

THIS BEING THE SAME PROPERTY CONVEYED TO JOHN LANE MITCHELL FROM MARIE M. ACREE, WIDOW, MAUDE M. ELMORE, WIDOW, THELMA C. MINTER, WIDOW, IRENE F. MINTER, WIDOW, MARGARET M. KNIGHT AND C. E. KNIGHT, HER HUSBAND, ALVIN S. MINTER, JR. AND MARY MINTER, HIS WIFE, SHIRLEY M. CALHOUN AND T. A. CALHOUN, HER HUSBAND BY DOUGLAS S. MITCHELL, THEIR ATTORNEY-IN-FACT, DATED DECEMBER 9, 1956 AND RECORDED DECEMBER 9, 1956 IN BOOK 58 AND PAGE 386, IN THE COUNTY OF KING AND QUEEN, STATE OF VIRGINIA.

TITLE EXCEPTIONS

THIS SURVEY WAS COMPLETED WITH THE AID OF TITLE WORK PREPARED BY TOWER TITLE, LLC, COMMITMENT DATE OF JANUARY 13, 2026, BEING COMMITMENT NO. VTB-233537-C, FOR THE PARENT PARCEL, TO DETERMINE THE IMPACTS OF EXISTING TITLE EXCEPTIONS.

ITEMS 1-11 ARE STANDARD EXCEPTIONS AND NOT THE TYPE TO BE DEPICTED HEREON.

12. EASEMENT BETWEEN JOHN LANE MITCHELL; AND CONTINENTAL TELEPHONE COMPANY OF VIRGINIA, DATED JULY 13, 1979 AND RECORDED JULY 30, 1979 IN (BOOK) 86 (PAGE) 135, IN KING AND QUEEN COUNTY, VIRGINIA.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL AND PLOTTABLE ITEMS ARE SHOWN HEREON.]

13. TERMS AND CONDITIONS OF AN UNRECORDED AGREEMENT, AS EVIDENCED BY A(N) AGREEMENT BETWEEN JOHN LANE MITCHELL, UNMARRIED AND VIRGINIA ELECTRIC AND POWER COMPANY, A VIRGINIA CORPORATION, DATED JULY 9, 1979 AND RECORDED SEPTEMBER 20, 1979 IN (BOOK) 86 (PAGE) 357, IN KING AND QUEEN COUNTY, VIRGINIA.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL HOWEVER THE DESCRIPTION OF THIS EASEMENT IS VAGUE AND THEREFORE WE ARE NOT ABLE TO ASCERTAIN THE EXACT LOCATION THEREOF.]

14. RIGHT OF WAY AGREEMENT BETWEEN CLYDE SCOTT MITCHELL; AND VIRGINIA ELECTRIC AND POWER COMPANY, A VIRGINIA PUBLIC SERVICE CORPORATION, DOING BUSINESS AS DOMINION VIRGINIA POWER, DATED MARCH 28, 2007 AND RECORDED MAY 18, 2007 IN (INSTRUMENT) 070000794, IN KING AND QUEEN COUNTY, VIRGINIA.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL AND ITS APPROXIMATE LOCATION IS SHOWN HEREON.]

15. TERMS AND CONDITIONS OF AN UNRECORDED AGREEMENT, AS EVIDENCED BY A(N) AGREEMENT BETWEEN CLYDE SCOTT MITCHELL AND LINDA MITCHELL, HIS WIFE AND COMMONWEALTH OF VIRGINIA, DATED APRIL 9, 2009 AND RECORDED APRIL 13, 2009 IN (INSTRUMENT) 090000371, IN KING AND QUEEN COUNTY, VIRGINIA.

[THIS ITEM IS APPLICABLE TO THE PARENT PARCEL AND ITS APPROXIMATE LOCATION IS SHOWN HEREON.]

100' x 100' LEASED PREMISES

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN NEWTON MAGISTERIAL DISTRICT, KING & QUEEN COUNTY, VIRGINIA, AND BEING A PORTION OF THE LANDS OF CLYDE SCOTT MITCHELL, AS RECORDED IN DEED BOOK 13, PAGE 277, KING & QUEEN COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A ½-INCH REBAR FOUND AT THE INTERSECTION OF THE EAST LINE OF SAID MITCHELL LANDS & THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF VIRGINIA STATE ROUTE 636, ALSO KNOWN AS MINTER LANE, SAID ½-INCH REBAR HAVING A VIRGINIA GRID NORTH, NAD83, SOUTH ZONE VALUE OF N=3801560.4613, E=11906831.2172; THENCE RUNNING ALONG A TIE LINE, SOUTH 23°25'01" WEST, 1765.91 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE, SOUTH 46°29'27" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 43°30'33" WEST, 100.00 FEET TO A POINT; THENCE, NORTH 46°29'27" WEST, 100.00 FEET TO A POINT; THENCE, NORTH 43°30'33" EAST, 100.00 FEET TO A POINT AND THE POINT OF BEGINNING.

BEARINGS BASED ON VIRGINIA GRID NORTH, NAD83, SOUTH ZONE.

SAID TRACT CONTAINS 0.2296 ACRES (10,000 SQUARE FEET), MORE OR LESS.

30' WIDE NON-EXCLUSIVE ACCESS, UTILITY & FIBER EASEMENT

TOGETHER WITH A 30-FOOT WIDE NON-EXCLUSIVE ACCESS, UTILITY & FIBER EASEMENT, LYING AND BEING IN NEWTON MAGISTERIAL DISTRICT, KING & QUEEN COUNTY, VIRGINIA, AND BEING A PORTION OF THE LANDS OF CLYDE SCOTT MITCHELL, AS RECORDED IN DEED BOOK 13, PAGE 277, KING & QUEEN COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT A ½-INCH REBAR FOUND AT THE INTERSECTION OF THE EAST LINE OF SAID MITCHELL LANDS & THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF VIRGINIA STATE ROUTE 636, ALSO KNOWN AS MINTER LANE, SAID ½-INCH REBAR HAVING A VIRGINIA GRID NORTH, NAD83, SOUTH ZONE VALUE OF N=3801560.4613, E=11906831.2172; THENCE RUNNING ALONG A TIE LINE, SOUTH 23°25'01" WEST, 1765.91 FEET TO A POINT ON THE 100' X 100' LEASED PREMISES; THENCE RUNNING ALONG SAID PREMISES, SOUTH 46°29'27" EAST, 100.00 FEET TO A POINT; THENCE, SOUTH 43°30'33" WEST, 100.00 FEET TO A POINT; THENCE RUNNING, SOUTH 43°30'33" WEST, 30.00 FEET TO A POINT; THENCE, NORTH 46°29'27" WEST, 122.04 FEET TO A POINT; THENCE, NORTH 31°14'36" WEST, 176.89 FEET TO A POINT; THENCE, NORTH 48°13'11" WEST, 157.37 FEET TO A POINT; ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF VIRGINIA STATE ROUTE 636, ALSO KNOWN AS MINTER LANE (HAVING A 30-FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE RUNNING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, NORTH 43°30'33" EAST, 22.48 FEET TO A POINT; THENCE, 7.53 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 425.39 FEET AND BEING SCRIBED BY A CHORD BEARING NORTH 44°04'46" EAST, 7.53 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING, SOUTH 48°13'11" EAST, 160.87 FEET TO A POINT; THENCE, SOUTH 31°14'36" EAST, 177.35 FEET TO A POINT; THENCE, SOUTH 46°29'27" EAST, 118.02 FEET TO A POINT AND THE TRUE POINT OF BEGINNING.

BEARINGS BASED ON VIRGINIA GRID NORTH, NAD83, SOUTH ZONE.

SAID EASEMENT CONTAINS 0.3143 ACRES (13,689 SQUARE FEET), MORE OR LESS.

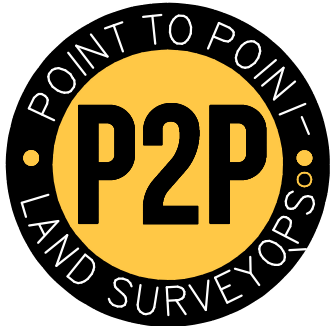


I HEREBY CERTIFY THAT THIS MAP IS CORRECT AND THAT ANY VISIBLE ENCROACHMENTS ARE SHOWN HEREON.

G. Darrell Taylor DATE: 04/02/2026
G. DARRELL TAYLOR, PLS

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THIS MAP IS ONLY INTENDED FOR THE PARTIES AND PURPOSES SHOWN. THIS MAP IS NOT FOR RECORDATION.

* SPECIFIC PURPOSE SURVEY PREPARED BY:



100 Governors Trace, Ste. 103
Peachtree City, GA 30269
(p) 678.565.4440 (f) 678.565.4497 (w) p2pls.com

SPECIFIC PURPOSE SURVEY PREPARED FOR:



WALKERTON
US-VA-5452
NEWTON MAGISTERIAL DISTRICT, KING & QUEEN COUNTY, VIRGINIA

TITLE REVIEW & LEGAL DESCRIPTION SHEET

NO.	DATE	REVISION	DRAWN BY: REE	SHEET:
1.	9/29/26	LEASED PREMISES	CHECKED BY: JKL	3
			APPROVED: D. MILLER	
			DATE: APRIL 2, 2026	
			P2P JOB #: 260267VA	
				OF 3

SURVEY NOT VALID WITHOUT ALL SHEETS

E:\Point To Point Dropbox\P2P Current Jobs\2026\260267VA-Walkerton\260267VA.pro

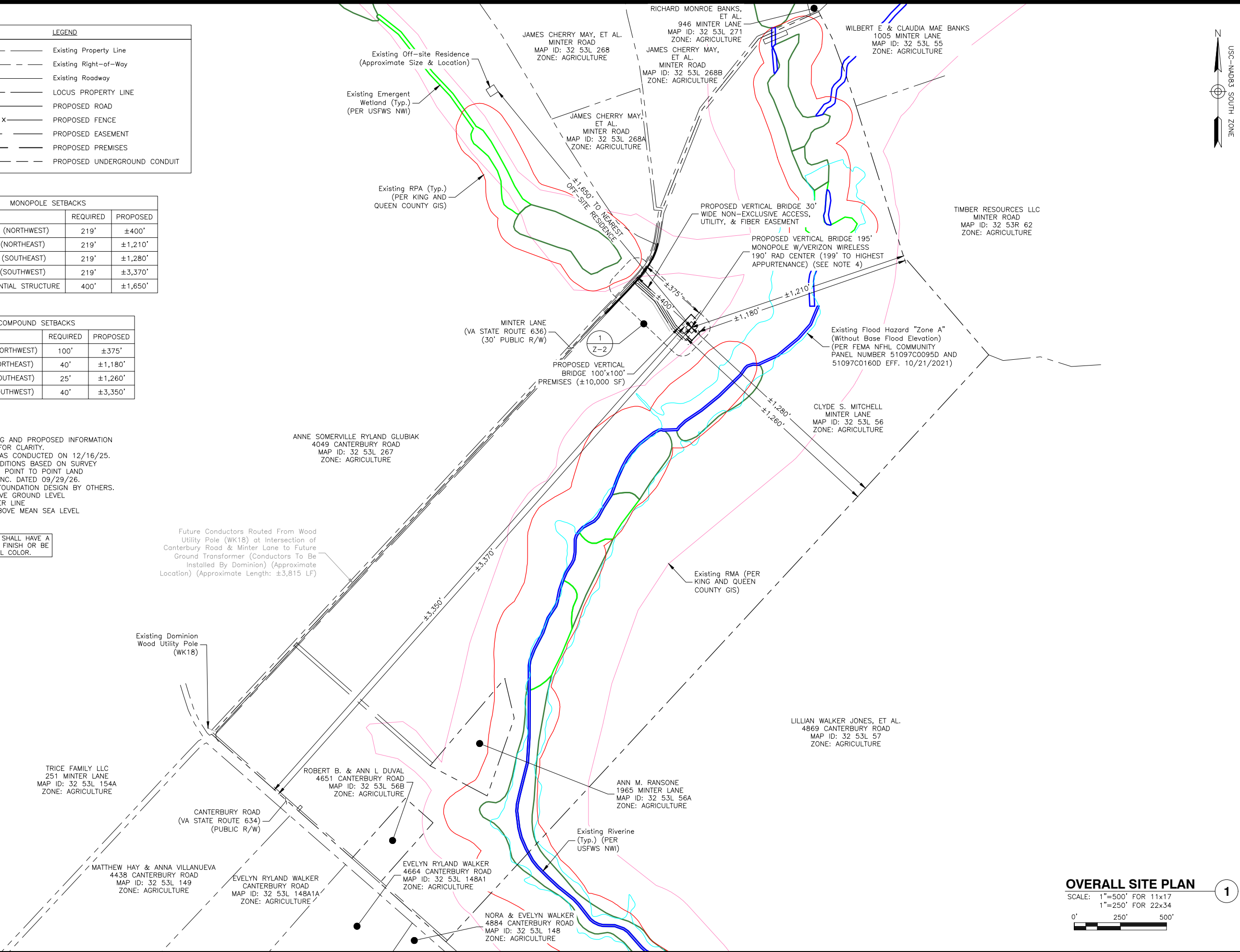
LEGEND	
	Existing Property Line
	Existing Right-of-Way
	Existing Roadway
	LOCUS PROPERTY LINE
	PROPOSED ROAD
	PROPOSED FENCE
	PROPOSED EASEMENT
	PROPOSED PREMISES
	PROPOSED UNDERGROUND CONDUIT

MONOPOLE SETBACKS		
	REQUIRED	PROPOSED
FRONT YARD (NORTHWEST)	219'	±400'
SIDE YARD (NORTHEAST)	219'	±1,210'
REAR YARD (SOUTHEAST)	219'	±1,280'
SIDE YARD (SOUTHWEST)	219'	±3,370'
OFFSITE RESIDENTIAL STRUCTURE	400'	±1,650'

COMPOUND SETBACKS		
	REQUIRED	PROPOSED
FRONT YARD (NORTHWEST)	100'	±375'
SIDE YARD (NORTHEAST)	40'	±1,180'
REAR YARD (SOUTHEAST)	25'	±1,260'
SIDE YARD (SOUTHWEST)	40'	±3,350'

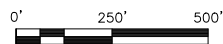
- NOTES:
- SOME EXISTING AND PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
 - FIELD VISIT WAS CONDUCTED ON 12/16/25.
 - EXISTING CONDITIONS BASED ON SURVEY PREPARED BY POINT TO POINT LAND SURVEYORS, INC. DATED 09/29/26.
 - TOWER AND FOUNDATION DESIGN BY OTHERS.
 - A.G.L. – ABOVE GROUND LEVEL
C.L. – CENTER LINE
A.M.S.L. – ABOVE MEAN SEA LEVEL

NOTE: THE TOWER SHALL HAVE A GALVANIZED STEEL FINISH OR BE PAINTED A NEUTRAL COLOR.



OVERALL SITE PLAN

SCALE: 1"=500' FOR 11x17
1"=250' FOR 22x34



1

MEETS 06/06/26
VERTICAL BRIDGE
STANDARD

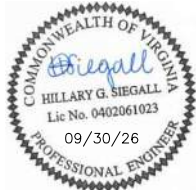
2	MONOPOLE	09/30/26
1	CHANGE TO SST	06/24/26
0	FOR ZONING	06/15/26
NO.	SUBMITTAL	DATE

DRAWN BY: BRP DATE: 09/30/26
REVIEWED BY: LMW DATE: 09/30/26
CHECKED BY: HGS DATE: 09/30/26

PROJECT NUMBER: 50191262

PROJECT TITLE:
US-VA-5452
(WALKERTON)

ENGINEER STAMP:



DRAWING TITLE:
OVERALL
SITE PLAN

DRAWING SCALE:
AS NOTED
DATE:
09/30/26

NSB

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DRAWING NUMBER:

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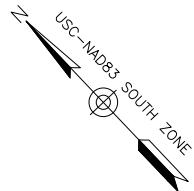
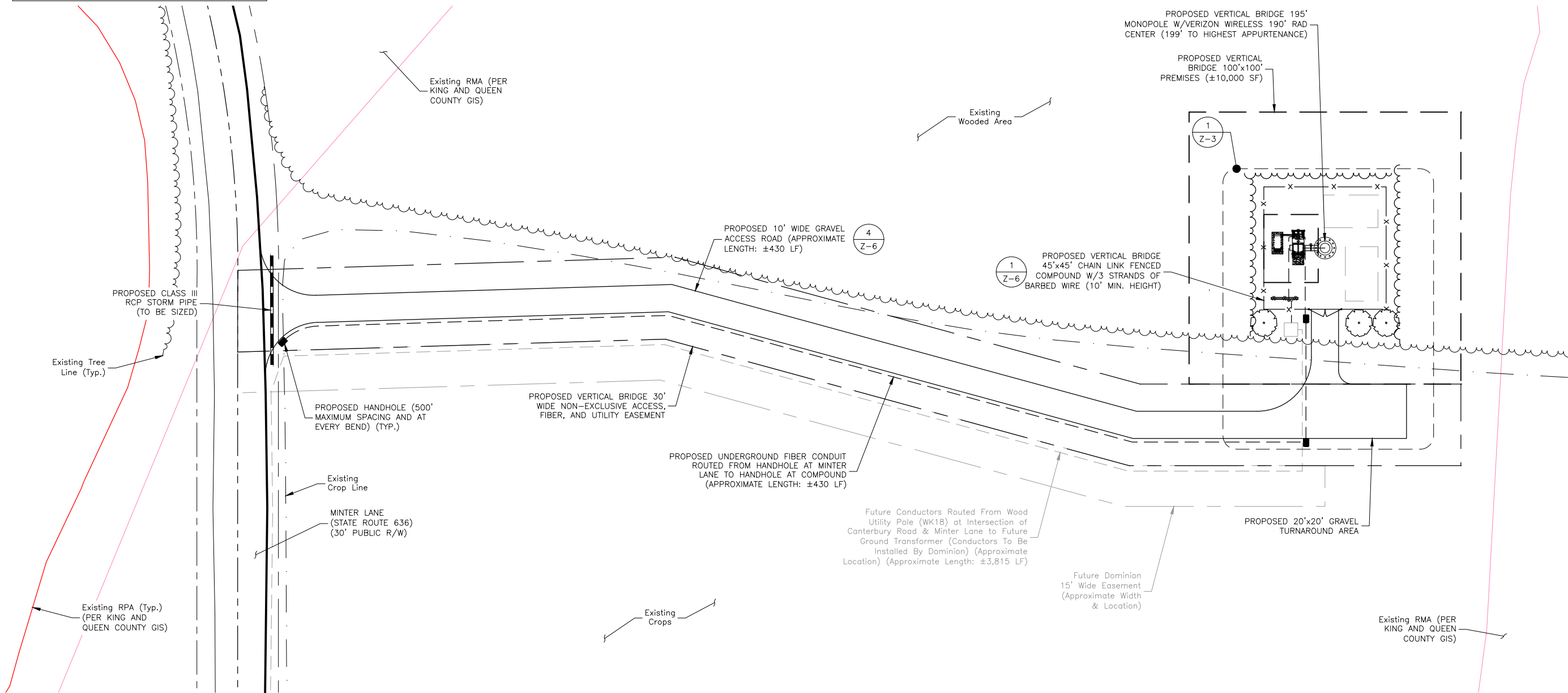
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Delray Beach, FL 33444
Phone: 561.280.7957
Fax: 561.280.7928
www.dewberry.com

verticalbridge

THE TOWERS, LLC
22 WEST ATLANTIC AVENUE, SUITE 310
DELRAY BEACH, FLORIDA 33444

LEGEND	
	Existing Property Line
	Existing Right-of-Way
	Existing Roadway
	Existing Tree Line
	Existing Crop Line
	Future Premises
	LOCUS PROPERTY LINE
	TREE CLEARING LIMITS
	PROPOSED ROAD
	PROPOSED FENCE
	PROPOSED EASEMENT
	PROPOSED PREMISES
	PROPOSED U/G CONDUIT

NOTE: THE TOWER SHALL HAVE A GALVANIZED STEEL FINISH OR BE PAINTED A NEUTRAL COLOR.

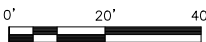


NOTES:

- SOME EXISTING AND PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
- FIELD VISIT WAS CONDUCTED ON 12/16/25.
- EXISTING CONDITIONS BASED ON SURVEY PREPARED BY POINT TO POINT LAND SURVEYORS, INC. DATED 09/29/26.
- TOWER AND FOUNDATION DESIGN BY OTHERS.
- A.G.L. - ABOVE GROUND LEVEL
C.L. - CENTER LINE
A.M.S.L. - ABOVE MEAN SEA LEVEL

SITE PLAN

SCALE: 1"=40' FOR 11x17
1"=20' FOR 22x34



1

MEETS 06/06/26
VERTICAL BRIDGE
STANDARD

2	MONOPOLE	09/30/26
1	CHANGE TO SST	06/24/26
0	FOR ZONING	06/15/26
NO.	SUBMITTAL	DATE

DRAWN BY: BRP DATE: 09/30/26
REVIEWED BY: LMW DATE: 09/30/26
CHECKED BY: HGS DATE: 09/30/26

PROJECT NUMBER: 50191262

PROJECT TITLE:
US-VA-5452
(WALKERTON)

ENGINEER STAMP:



DRAWING TITLE:
SITE PLAN

DRAWING SCALE:
AS NOTED
DATE:
09/30/26

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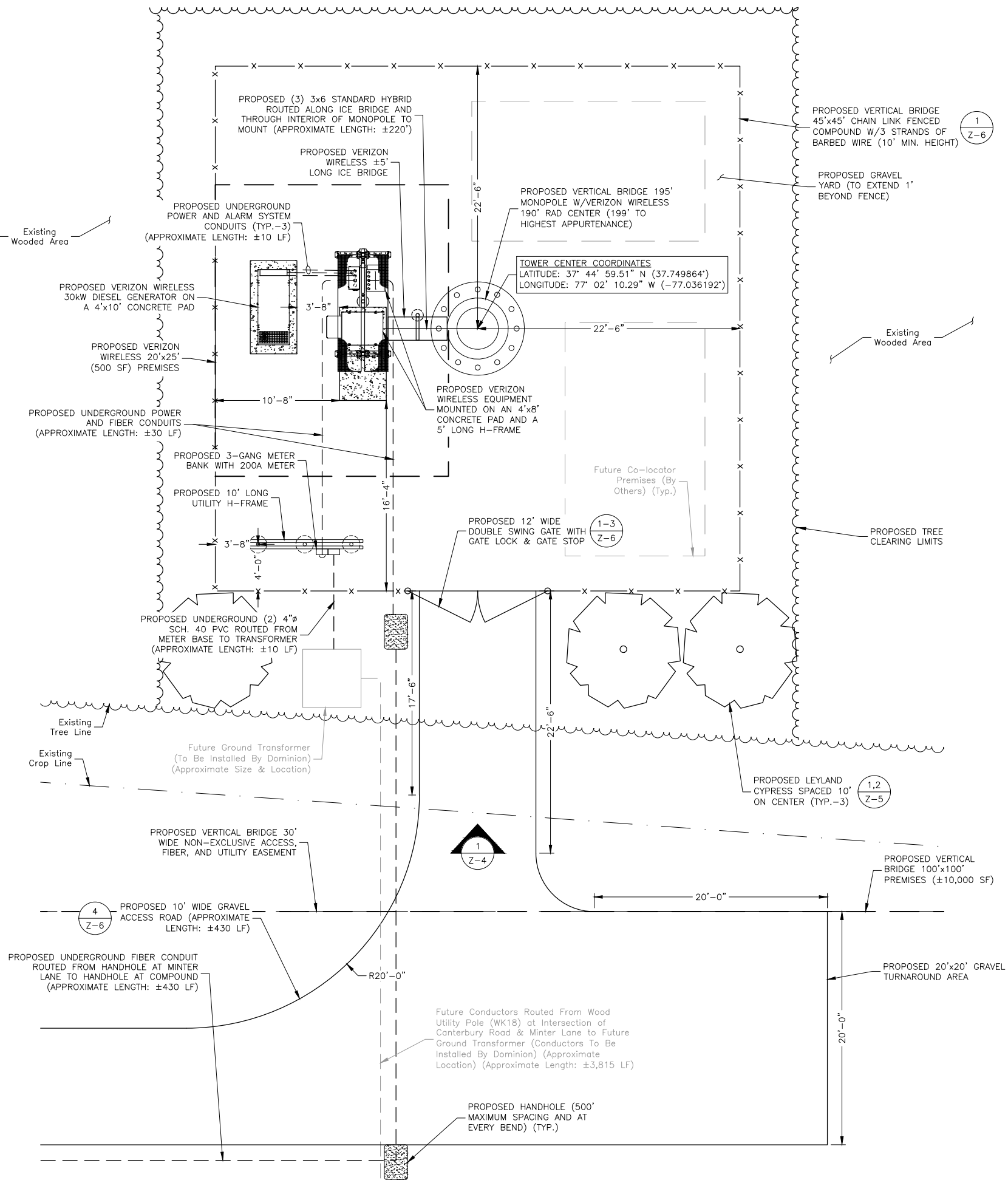
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Falls Church, VA 22041
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Fax: 804.280.7928
www.dewberry.com

vertical bridge

THE TOWERS, LLC
22 WEST ATLANTIC AVENUE, SUITE 310
DELRAY BEACH, FLORIDA 33444

LEGEND	
	Existing Tree Line
	Existing Crop Line
	Future Premises
	TREE CLEARING LIMITS
	PROPOSED ROAD
	PROPOSED FENCE
	PROPOSED EASEMENT
	PROPOSED PREMISES
	PROPOSED U/G CONDUIT

NOTE: THE TOWER SHALL HAVE A GALVANIZED STEEL FINISH OR BE PAINTED A NEUTRAL COLOR.

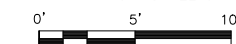


NOTES:

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- FIELD VISIT WAS CONDUCTED ON 12/16/25.
- EXISTING CONDITIONS BASED ON SURVEY PREPARED BY POINT TO POINT LAND SURVEYORS, INC. DATED 09/29/26.
- TOWER AND FOUNDATION DESIGN BY OTHERS.
- A.G.L. - ABOVE GROUND LEVEL
C.L. - CENTER LINE
A.M.S.L. - ABOVE MEAN SEA LEVEL

ENLARGED SITE PLAN

SCALE: 1"=10' FOR 11x17
1"=5' FOR 22x34



1

vertical bridge

THE TOWERS, LLC
22 WEST ATLANTIC AVENUE, SUITE 310
DELRAY BEACH, FLORIDA 33444

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Delray Beach, FL 33437
Phone: 561.280.7957
Fax: 561.280.7928
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MEETS 06/06/26
VERTICAL BRIDGE
STANDARD

2	MONOPOLE	09/30/26
1	CHANGE TO SST	06/24/26
0	FOR ZONING	06/15/26
NO.	SUBMITTAL	DATE

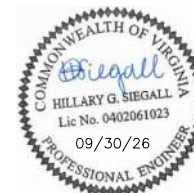
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REVIEWED BY: LMW DATE: 09/30/26
CHECKED BY: HGS DATE: 09/30/26

PROJECT NUMBER: 50191262

PROJECT TITLE:

US-VA-5452
(WALKERTON)

ENGINEER STAMP:



DRAWING TITLE:

ENLARGED
SITE PLAN

DRAWING SCALE:

AS NOTED

DATE:

09/30/26

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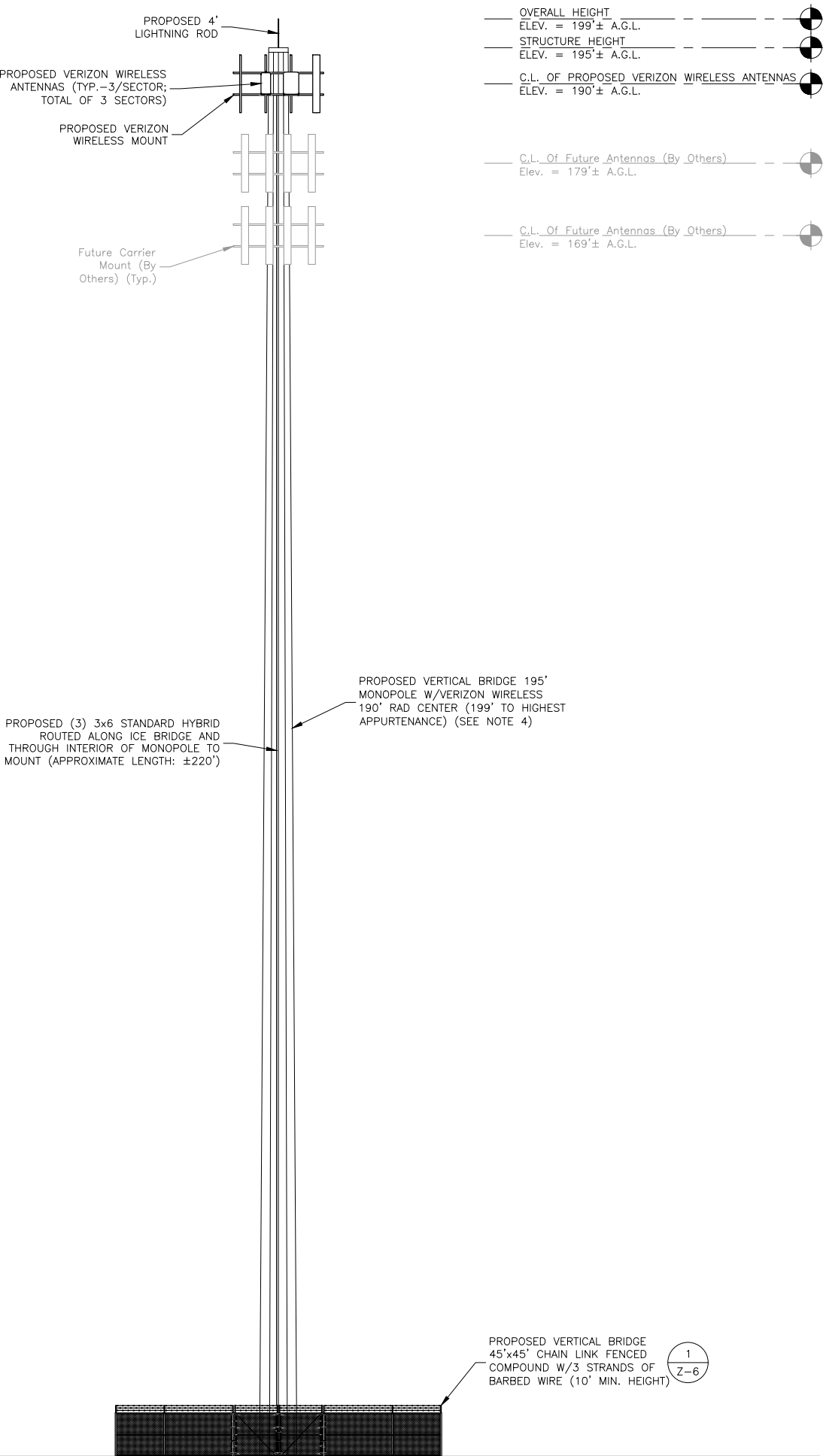
Z-3

LEGEND		
A.G.L.	-	ABOVE GROUND LEVEL
C.L.	-	CENTER LINE

NOTE: THE TOWER SHALL HAVE A GALVANIZED STEEL FINISH OR BE PAINTED A NEUTRAL COLOR.

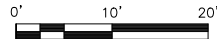
NOTES:

1. SOME EXISTING AND PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
2. FIELD VISIT WAS CONDUCTED ON 12/16/25.
3. EXISTING CONDITIONS BASED ON SURVEY PREPARED BY POINT TO POINT LAND SURVEYORS, INC. DATED 09/29/26.
4. TOWER AND FOUNDATION DESIGN BY OTHERS.
5. A.G.L. - ABOVE GROUND LEVEL
C.L. - CENTER LINE
A.M.S.L. - ABOVE MEAN SEA LEVEL



TOWER ELEVATION

SCALE: 1"=20' FOR 11x17
1"=10' FOR 22x34



1

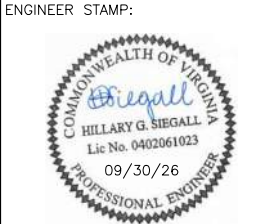
MEETS 06/06/26
VERTICAL BRIDGE
STANDARD

2	MONOPOLE	09/30/26
1	CHANGE TO SST	06/24/26
0	FOR ZONING	06/15/26
NO.	SUBMITTAL	DATE

DRAWN BY: BRP DATE: 09/30/26
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PROJECT NUMBER: 50191262

PROJECT TITLE:
US-VA-5452
(WALKERTON)



DRAWING TITLE:
TOWER ELEVATION

DRAWING SCALE:
AS NOTED
DATE:
09/30/26

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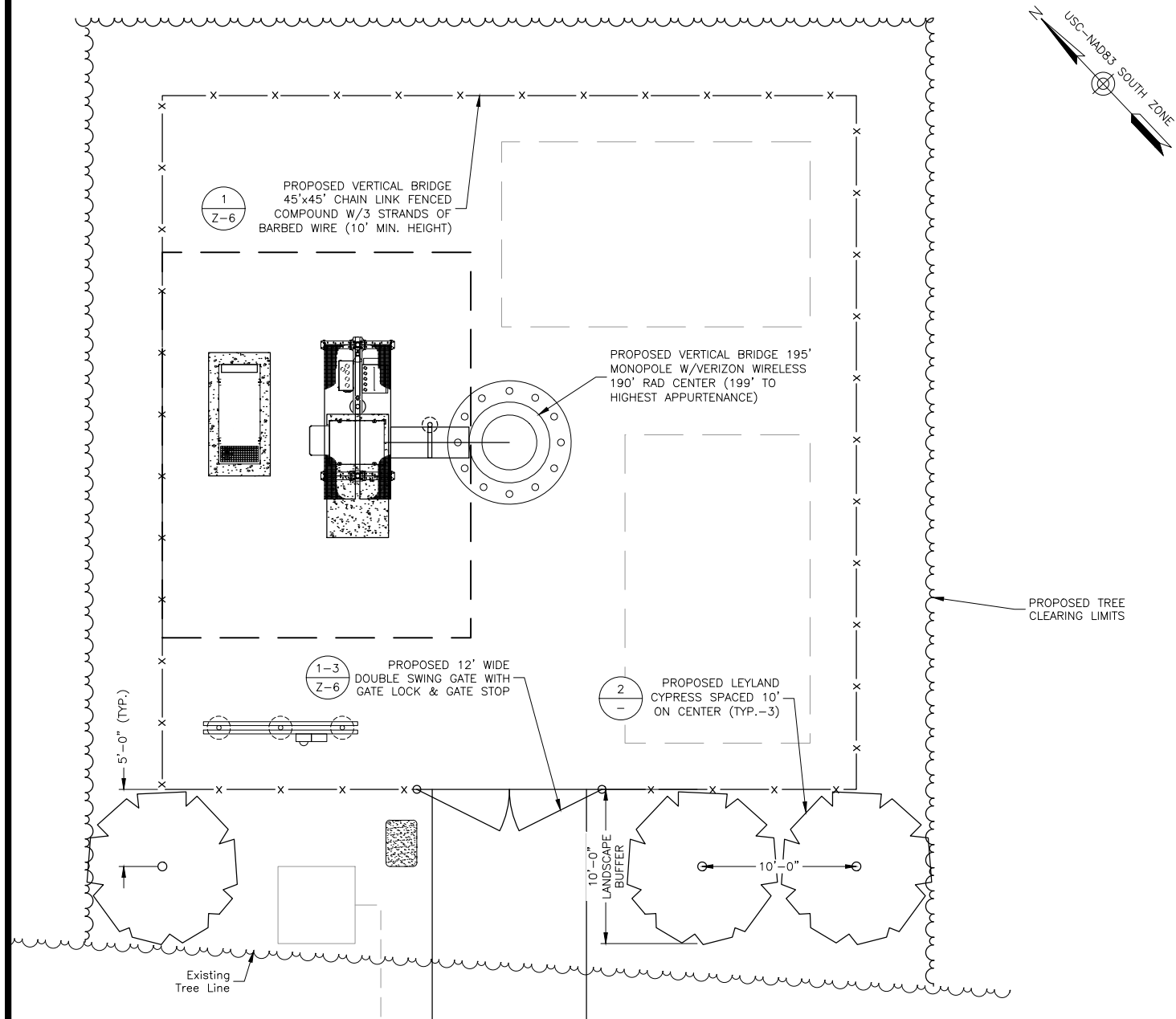
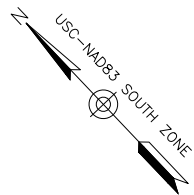
DRAWING NUMBER:
Z-4



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Delray Beach, FL 33482
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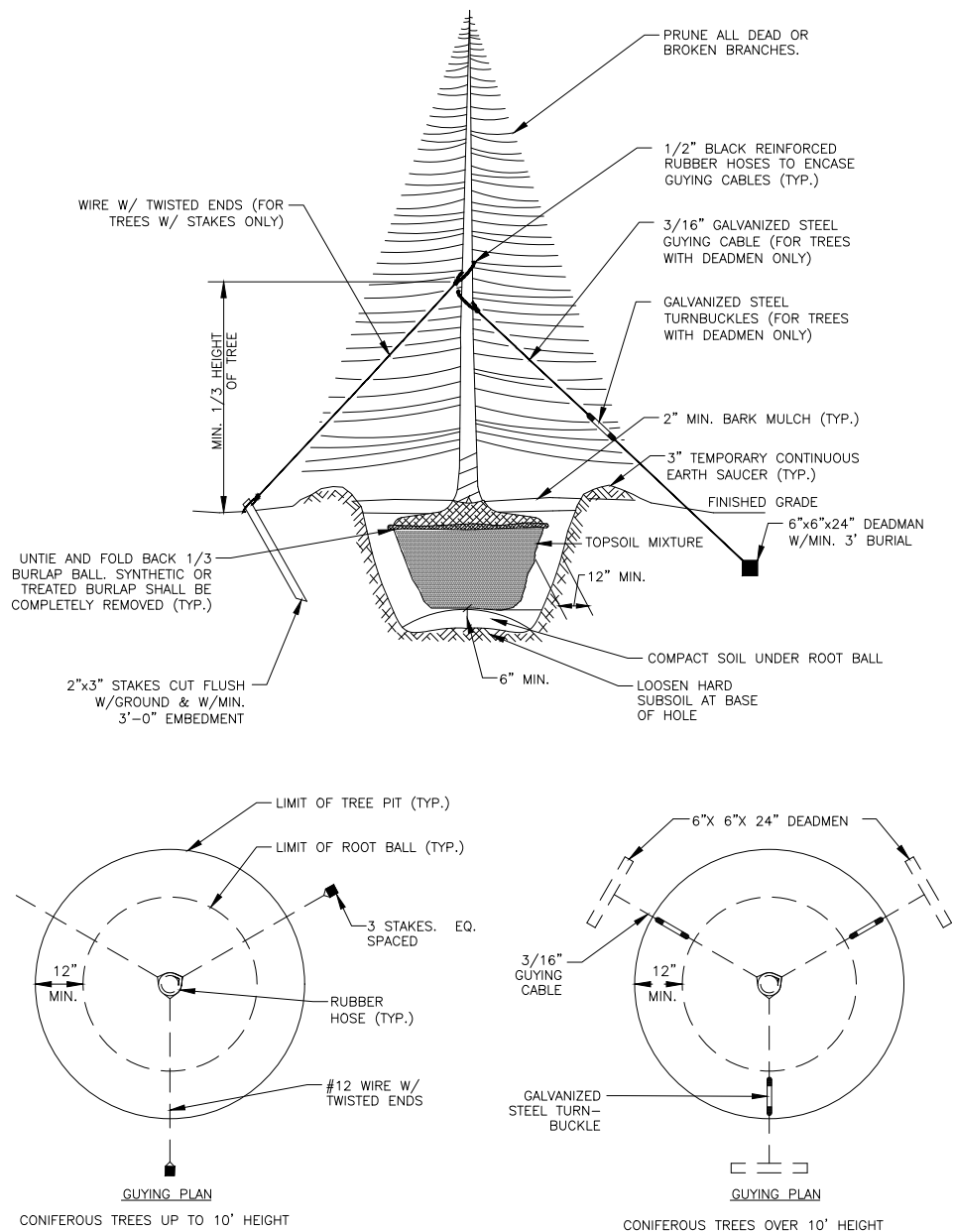
LANDSCAPING PLAN 1
SCALE: 1"=10' FOR 11x17
1"=5' FOR 22x34

NOTE: THE TOWER SHALL HAVE A GALVANIZED STEEL FINISH OR BE PAINTED A NEUTRAL COLOR.

LEGEND	
	Existing Tree Line
	Existing Crop Line
	TREE CLEARING LIMITS
	PROPOSED ROAD
	PROPOSED FENCE
	PROPOSED EASEMENT
	PROPOSED PREMISES

- NOTES:
- SOME EXISTING AND PROPOSED INFORMATION NOT SHOWN FOR CLARITY.
 - FIELD VISIT WAS CONDUCTED ON 12/16/25.
 - EXISTING CONDITIONS BASED ON SURVEY PREPARED BY POINT TO POINT LAND SURVEYORS, INC. DATED 09/29/26.
 - TOWER AND FOUNDATION DESIGN BY OTHERS.
 - A.G.L. - ABOVE GROUND LEVEL
C.L. - CENTER LINE
A.M.S.L. - ABOVE MEAN SEA LEVEL

LANDSCAPING					
QUANTITY	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
3	CL	CUPRESSOCYPARIS LEYLANDII	LEYLAND CYPRESS	7' HT.	B&B



EVERGREEN PLANTING 2
SCALE: N.T.S.

MEETS 06/06/26
VERTICAL BRIDGE
STANDARD

2	MONOPOLE	09/30/26
1	CHANGE TO SST	06/24/26
0	FOR ZONING	06/15/26
NO.	SUBMITTAL	DATE

DRAWN BY: BRP DATE: 09/30/26
REVIEWED BY: LMW DATE: 09/30/26
CHECKED BY: HGS DATE: 09/30/26

PROJECT NUMBER: 50191262

PROJECT TITLE:
US-VA-5452
(WALKERTON)

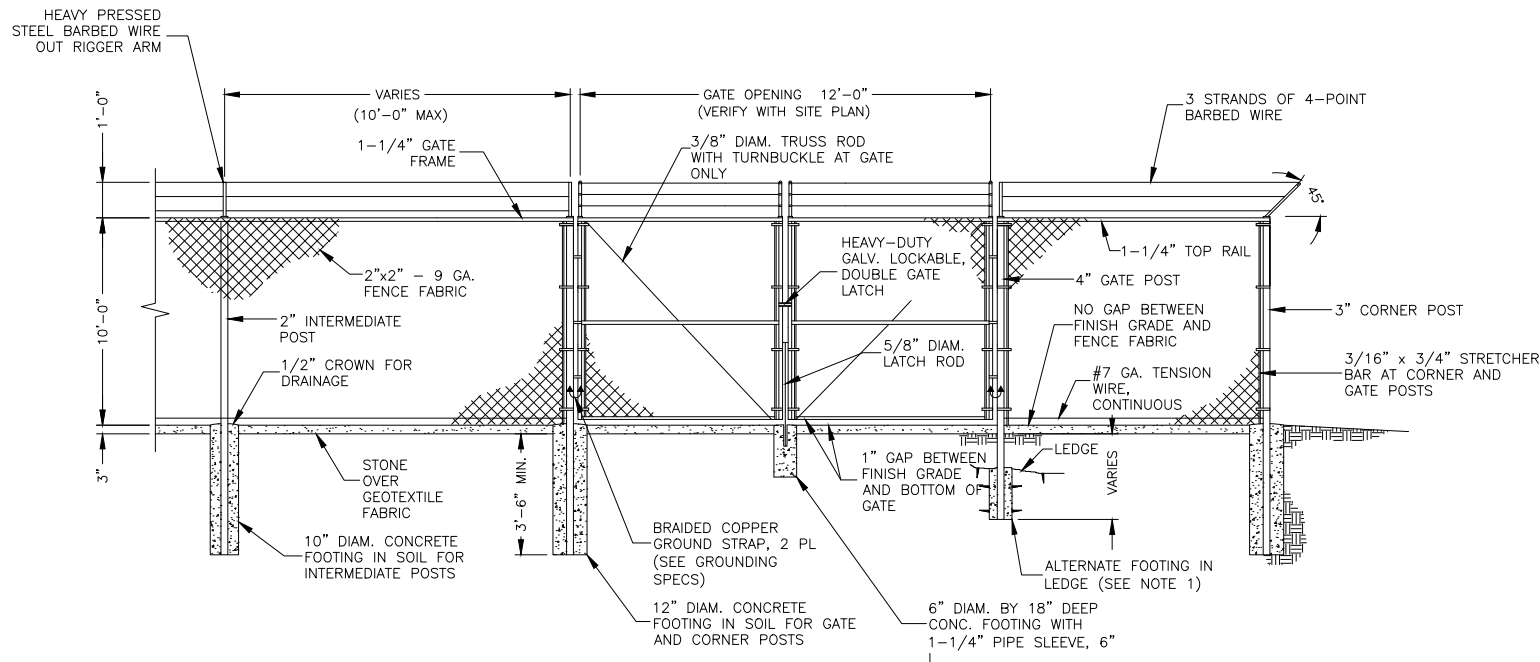
ENGINEER STAMP:

DRAWING TITLE:
LANDSCAPING PLAN

DRAWING SCALE:
AS NOTED
DATE:
09/30/26
NSB

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APPLICABLE STATE AND/OR LOCAL LAWS

DRAWING NUMBER:
Z-5



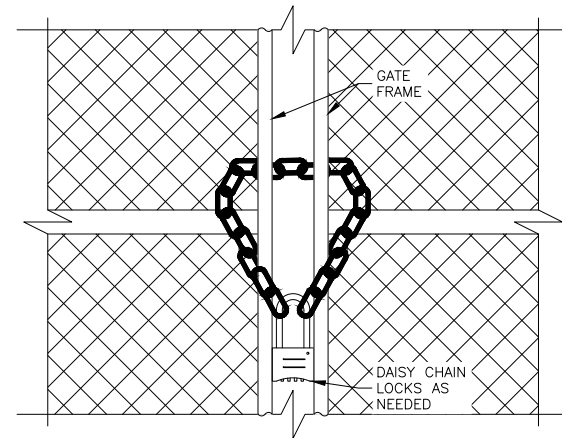
FENCE NOTES:

1. ALTERNATE FOOTINGS FOR ALL FENCE POSTS IN LEDGE: IF LEDGE IS ENCOUNTERED AT GRADE, OR AT A DEPTH SHALLOWER THAN 3'-6", CORE DRILL AN 8" DIA HOLE 18" INTO THE LEDGE. CENTER POST IN THE HOLE AND FILL WITH CONCRETE OR GROUT. IF LEDGE IS BELOW FINISH GRADE, COAT BACKFILLED SECTION OF POST WITH COAL TAR, AND BACKFILL WITH WELL-DRAINING GRAVEL.
2. ATTACH EACH GATE WITH 1-1/2 PAIR OF NON-LIFT-OFF TYPE, MALLEABLE IRON OR FORGING, PIN-TYPE HINGES. ASSEMBLIES SHALL ALLOW FOR 180° OF GATE TRAVEL.

FENCE AND ACCESS GATE

N.T.S.

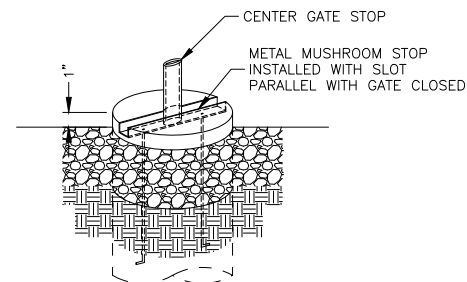
1



MULTI-TENANT GATE LOCK

N.T.S.

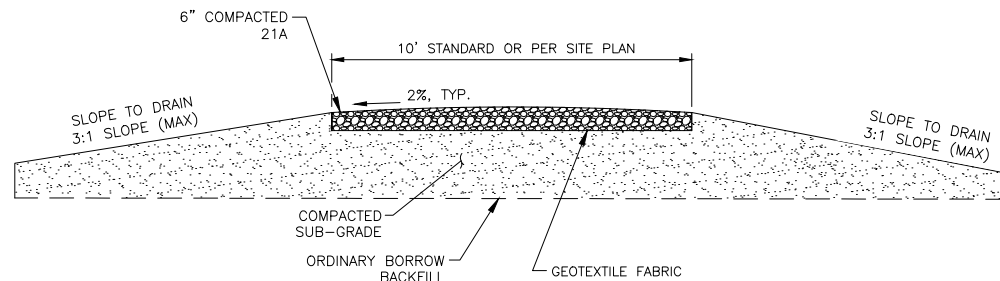
2



GATE STOP DETAIL

N.T.S.

3



NOTES:

1. SUBGRADE AND FILL SHALL CONSIST OF CLEAN SOIL. NO DELETERIOUS MATERIALS OR ORGANICS TO BE USED.
2. REMOVE MINIMUM OF 6" OF TOP SOIL AND ORGANICS BEFORE COMMENCING ACCESS ROAD.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CLEARING AND GRUBBING.
4. THE CONTRACTOR SHALL COMPLY WITH THE RECOMMENDATIONS CONTAINED WITHIN THE GEOTECHNICAL REPORT WHEN NECESSARY PREPARED FOR THIS SITE.
5. ALL GRANULAR FILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR WITHIN 3% OF OPTIMUM MOISTURE CONTENT OR AS OTHERWISE DIRECTED BY THE GEOTECHNICAL ENGINEER.
6. ALL STONE SHALL BE IN ACCORDANCE W/VDOT STANDARD SPECIFICATION.

ROAD CROSS SECTION

N.T.S.

4

verticalbridge

THE TOWERS, LLC
22 WEST ATLANTIC AVENUE, SUITE 310
DELRAY BEACH, FLORIDA 33444

Dewberry®

Dewberry Engineers Inc.
4805 Lake Brock Drive, Suite 200
Delray Beach, FL 33482
Phone: 804.280.7957
Fax: 804.280.7928
www.dewberry.com

MEETS 06/06/26
VERTICAL BRIDGE
STANDARD

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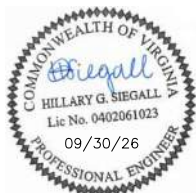
DRAWN BY: BRP DATE: 09/30/26
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PROJECT NUMBER: 50191262

PROJECT TITLE:

US-VA-5452
(WALKERTON)

ENGINEER STAMP:



DRAWING TITLE:

DETAILS

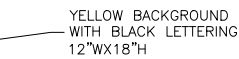
DRAWING SCALE:
AS NOTED
DATE:
09/30/26

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DRAWING NUMBER:

Z-6



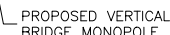
RF NOTICE SIGN
N.T.S



RF NOTICE SIGN
N.T.S



RF CAUTION SIGN
N.T.S



IDENTIFICATION SIGN
N.T.S

1. FOLLOW SITE EME/RF EMISSIONS STUDY (BY OTHERS) FOR SITE-SPECIFIC SIGNAGE REQUIREMENTS. IT IS POSSIBLE THAT NOT ALL SIGNS WILL BE REQUIRED.
2. SIGNS SHALL BE FABRICATED FROM CORROSION RESISTANT PRESSED METAL, AND PAINTED WITH LONG LASTING UV RESISTANT COATINGS.
3. SIGNS (EXCEPT WHERE NOTED OTHERWISE) SHALL BE MOUNTED TO THE TOWER, GATE, AND FENCE USING A MINIMUM OF 9 GAUGE ALUMINUM WIRE, HOG RINGS (AS UTILIZED IN FENCE INSTALLATIONS), OR BRACKETS WHERE NECESSARY. BRACKETS SHALL BE OF SIMILAR METAL AS THE STRUCTURE TO AVOID GALVANIC CORROSION.
4. EXACT SIGN PLACEMENT SHALL BE AS DIRECTED BY THE CONSTRUCTION MANAGER.

SIGN INFORMATION			
SIGN	SIZE	MATERIAL	LOCATION
1	18"x24"	ALUMINUM	GATE
2	12"x18"	ALUMINUM	GATE
3	14"x10"	ALUMINUM	GATE & TOWER
4	18"x24"	ALUMINUM	GATE

NOTE: ALL SIGNS ARE PROVIDED BY VERTICAL BRIDGE.

MEETS 06/06/26
VERTICAL BRIDGE
STANDARD

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US-VA-5452
(WALKERTON)

ENGINEER STAMP:



DRAWING TITLE:

SITE SIGNAGE

DRAWING SCALE:
AS NOTED

DATE:
09/30/26

NSB

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DRAWING NUMBER:
Z-7

AGENDA: October 13, 2026 Regular Meeting

ITEM #5:

Extension of 2232 Determination for CUP2603 application

ACTION REQUESTED:

County Administrator will provide background information on this request.

ATTACHMENTS:

- VA Code Section §15.2-2232

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 22. Planning, Subdivision of Land and Zoning

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § [56-265.1](#) within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § [15.2-2204](#). Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § [33.2-353](#) and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. **Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval.** The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility, park or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § [15.2-2258](#) for subdivision or subdivision A 8 of § [15.2-2286](#) for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body, provided that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility, park or use or has approved it through acceptance of a proffer made pursuant to § [15.2-2303](#).

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ [2.2-2426](#) et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § [22.1-20.1](#) shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ [56-231.15](#) et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

H. A solar facility subject to subsection A shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right; (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § [56-594](#) or [56-594.01](#) or by a small agricultural generator under § [56-594.2](#); or (iii) the locality waives the requirement that solar facilities be reviewed for substantial accord with the comprehensive plan. All other solar facilities shall be reviewed for substantial accord with the comprehensive plan in accordance with this section. However, a locality may allow for a substantial accord review for such solar facilities to be advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process.

Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. [587](#), [858](#); 1998, c. [683](#); 2007, c. [801](#); 2009, cc. [670](#), [690](#); 2012, cc. [803](#), [835](#); 2016, c. [613](#); 2018, cc. [175](#), [318](#); 2020, c. [665](#); 2022, c. [181](#).

AGENDA: October 13, 2026 Regular Meeting

ITEM #6:

Acceptance of Real Estate Conveyance

ACTION REQUESTED:

County Administrator will provide information and documents regarding this request. It is for the purchase of the 5-acre property behind the Marriott School Facility.

ATTACHMENTS:

- None

AGENDA: October 13, 2026 Regular Meeting

ITEM #6:

Consideration of Landfill Expansion Request

ACTION REQUESTED:

BFI has requested an amendment to the existing contract with the county. There have been two meetings where information was presented and the community was able to comment. A summary of the information has been circulated through the county's social media and community notification system. The board needs to take action to approve or disapprove the request from BFI.

ATTACHMENTS:

- None

AGENDA: October 13, 2026 Regular Meeting

ITEM #7:

Public Comment Period

ACTION REQUESTED:

The Board will receive comments from the public. If you would like to speak about a public hearing item please hold your comments until that item on the agenda and the hearing is opened for comments. Please ask anyone speaking to state their name, the district they are from and to please limit comments to 5 minutes.

ATTACHMENTS:

- None

AGENDA: October 13, 2026 Regular Meeting

ITEM #9:

Quarterly Reports

ACTION REQUESTED:

Reports will be received from the following departments & agencies:

- Hattie Robinson, Clerk of Circuit Court
- Meredith Adkins, Commonwealth's Attorney
- Lee McKnight, VDOT
- Quentin Mascari, Building Inspections and Capital Projects
- Jeff Davison, Republic Services
- Stephanie Sears, Treasurer

ATTACHMENTS:

- None – Reports received in advance provided by email.

AGENDA: October 13, 2026 Regular Meeting

ITEM #10:

MPNN Regional Radio System Update

ACTION REQUESTED:

Greg Hunter will provide an update on the status of the regional radio system.

ATTACHMENTS:

- None

AGENDA: October 13, 2026 Regular Meeting

ITEM #11:

Appointments and Reappointments

ACTION REQUESTED:

Social Services Advisory Board/Newtown District – Alda Norris’s term expired in August. She has expressed interest in continuing to serve if reappointed.

Planning Commission/Stevensville District – Mac Bradley’s term expires November 15, 2026

Planning Commission/Shanghai District – Michael Fleming’s term expires November 15, 2026

Planning Commission/Newtown District – Barry Allen’s term expires November 15, 2026

****Upcoming Appointments/Reappointment Reminders****

Economic Development Authority/Stevensville District – Melinda Coleman’s term expires December 31, 2026

ATTACHMENTS:

➤ None

AGENDA: October 13, 2026 Regular Meeting

ITEM #12:

County Administrator Comments

ACTION REQUESTED:

None

ATTACHMENTS:

- None

AGENDA: October 13, 2026 Regular Meeting

ITEM #13:

Board of Supervisor's Comments

ACTION REQUESTED:

None

ATTACHMENTS:

- None

AGENDA: October 13, 2026 Regular Meeting

ITEM #14:

Adjourn Meeting

ACTION REQUESTED:

A motion is needed to adjourn to workshop meeting on **Monday, October 26, 2026, at 6:00 p.m.**, 242 Allen's Circle, King and Queen Courts and Administration Building, King and Queen Court House, VA 23085, Second Floor Conference Room A/B.

ATTACHMENTS:

- None