

ANNUAL EXEMPT DIVISION PLAT APPLICATION PACKET



**Spotsylvania County
Planning Department
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Annual Divisions

Annual Divisions are allowed in Agricultural 2 (A-2), Agricultural 3 (A-3), Resort Agriculture (R-A), Resort Residential (R-R), and Rural (Ru) zoning districts following these standards:

(1) The number of lots created under this provision shall not exceed one (1) lot per each 365-day period and the residential lot yield cannot exceed six (6) lots from the parent parcel which existed on February 12, 2002. A maximum of 100 annual division lots may be approved in the County in each 365-day period from the adoption of this ordinance (March 10, 2009).

Divisions made pursuant to this section shall be exempt from the Subdivision Ordinance provided that all proposed lots or parcels:

- (1) Generally conform to section 20-5.1.9 of the Subdivision Ordinance.
- (2) Meet all requirements of Chapter 23 of the Spotsylvania County Zoning Ordinance.
- (3) Comply with Chapters 6A, 8 and 19A of the Spotsylvania County Code.
- (4) Front on an existing public road or are provided with a 20-foot wide access easement to an existing public road; with the approval of the subdivision agent this requirement may be reduced to a minimum 10-foot easement due to lot configuration, proximity of existing buildings, or environmental constraints. Easements existing prior to December 4, 1995, and no less than ten (10) feet in width may be grandfathered. At no such time shall any access easement be less than ten (10) feet.
- (5) Share entrances on the existing public road to the maximum extent possible.
- (6) Any access created for new divisions created under these provisions shall be limited to two thousand five hundred (2,500) feet in length with no extensions off of this road to adjacent properties unless owner can demonstrate no other means of access to a state maintained road exists at which time a waiver can be requested of the subdivision agent. Roads greater than three hundred (300) feet in length are required to end in a cul-de-sac or "T" turnaround per the Design Standards Manual if serving more than three (3) lots.

Number of Lots Served by Road	Easement width	Width of Travel Way	Depth of Base	Surface Treatment of Road	Sight Distance (Lot to Private Lane)
2 lots	20 feet	12 feet, (3 foot shoulders)	4" of #25, 26, or 21A stone	Not required	100 feet
3-10 lots	20 feet	12 feet (3 foot shoulders)	6" of #25, 26, or 21A stone	Entrance paved 25 feet from edge of paved public road	100 feet

(7) All plats, contracts of sale and deeds for a lot in a subdivision in which private lanes, roads or streets are allowed shall contain language which clearly discloses to a potential purchaser the following minimum information;

- (a) The lot is served by a privately maintained road and will not be maintained by the state or county. Any costs necessary to bring the road to a condition qualifying it for acceptance as part of the secondary system of state highways shall be sustained from resources other than those administered by the Virginia Department of Transportation and the County of Spotsylvania or any other public agency;
- (b) School bus service shall not be provided by the county along private roads, lanes or streets; unless approved by the Spotsylvania County School Board;
- (c) United States Postal Service shall not be provided along private roads, lanes or streets; unless approved by the United States Postal Service;

(d) The expense and responsibility for maintaining the roads within the development shall be paid for and borne by the lot owners and/or developer, as the case may be;

(e) It shall be the responsibility of the developer for the initial construction and subsequent maintenance, if any, of the roads. If the roads are to be maintained by a property owners' association or other legal entity, the disclosure must clearly so inform the buyer; and

(f) Ingress and egress easements for public emergency vehicles is hereby granted to Spotsylvania County for all private roads, lanes, or streets within this development.

(8) Prior to recordation all such exempt divisions shall be submitted to the county planning office for review and approval on a plat prepared by a licensed surveyor with application information as may be required by the Subdivision Agent for approval.

General Information and Process

Zoning Determination: Contact the Zoning Department (540-507-7434) for the correct zoning district designation – and check for Chesapeake Bay Preservation Ordinance, RPA, floodplain status and any overlay districts.

Subdivision Determination: Contact the Planning Department (540-507-7434) for questions regarding the Subdivision Ordinance and what processes need to be followed.

Land Use Program: Please be aware that the division of a lot enrolled in the land use taxation program (administered by the Commissioner of Revenue) may disqualify the property owner from the program. Once the property changes, the owner is responsible for paying the County a roll back tax based on the amount of taxes that were deferred. The deferred tax is the difference between taxes paid based on the land use value versus the regular assessed value. Virginia Code Sec. 58.1-3237 requires the landowner to report a change in use, zoning, or property configuration to the Commissioner of Revenue within sixty days of the action. The Commissioner of the Revenue can be contacted at 540-507-7053.

Covenants & Restrictions / Mortgage Co.: It is the property owner's responsibility to check their covenants and restrictions and with their mortgage company to ensure that they permit dividing the property.

Plat Preparation: A licensed and/or certified surveyor or engineer must prepare a plat (18" X 24") of the proposed action. Give the "Annual Exempt Division Plat Checklist" (pages 8 - 10 of this packet) to your surveyor. Your surveyor will need to show that proposed property lines are correctly identified and related to drainfield areas, easements, structures, wells, and other environmental features (RPAs and floodplains) found on the parcel.

- An "Owner's Consent and Dedication/County Approval Block" (page 11 of this packet) is required to be placed on the plat. This must be completed and signed by all owners of the property.
- Keep in mind, a plat is a legal document. It legally establishes the boundaries of the parcels involved once it is recorded.
- To avoid future problems, please take care that all persons holding title to the land have signed. If you are unsure as to who should sign, check the most recently recorded deeds and wills or consult a private attorney.
- Be aware that a plat does not transfer title. To convey title to any of the parcels you create, you will need to have an attorney prepare a deed.

Plat Submission: Submit the following items to the Community Development Permit Intake counter on the 3rd floor of 9019 Old Battlefield Blvd, Spotsylvania, VA 22553, Merchants Square Office Building:

- Completed "Spotsylvania County Plat Application" form (page 17 of this packet);
- Seven (7) folded copies of the plat (18" X 24") sealed, signed, and dated by the surveyor or engineer (Note: The initial review of a plat does not require the owner's signature, etc.);
- All fees (see the top of the application form to compute)

The plat application submission will be reviewed for compliance with all existing and current County ordinances and in conformance with the previously approved construction plat (if required). Within sixty (60) days after an application for exempt plat is determined complete, the subdivision agent shall either approve or disapprove the plat.

The applicant shall be given written notice of the approval or disapproval. In the case of disapproval the notice shall identify to the greatest extent practicable all deficiencies with the submission and shall identify the modifications or corrections that will permit approval of the plat. The applicant shall resubmit within ninety (90) days of the date of the notice, addressing all deficiencies identified in the notice.

Resubmission and Second Review:

If changes are required to the plat, or any related documents, a second review will be required, possibly taking an additional forty-five (45) days to complete. Included with each re-submittal, the Applicant must state, in writing, how each comment was handled, including why any comment may not have been addressed. If you need to schedule a closing date for a property transfer, please plan accordingly. Once the plat meets all County requirements, the Subdivision Agent will sign the plat(s) to authorize recordation. Upon her/his approval, the applicant/owner who signed the application will be notified by the Planning Department to pick up the final plat(s) to be recorded.

Subsequent resubmissions of the plat(s) are required until a complete package meeting the requirements of the Subdivision Ordinance is met. Please note that for every plat review beginning with the 3rd review, there will be additional fees involved (see Fee Schedule: Planning Development Review Fees).

- If the revisions and/or additional reviews are solely the result of a County request, then a fee will not be assessed if the request was not made in previous comment letters.
- Minor revisions that result from comments by non-Spotsylvania County government agencies that were not requested in previous reviews and are not the result of revisions to some portion of the plat will not generate additional fees.
- Minor changes such as incorrect parcel numbers, errors or omissions in notes, typos, etc., that are not material to the plat and do not require significant review time will not generate additional fees.
- If the revisions and/or additional reviews are necessitated by an oversight by the surveyor for not making revisions required by staff in previous reviews or for changes to the plat by the surveyor/applicant result in additional revisions then additional fees will be required.

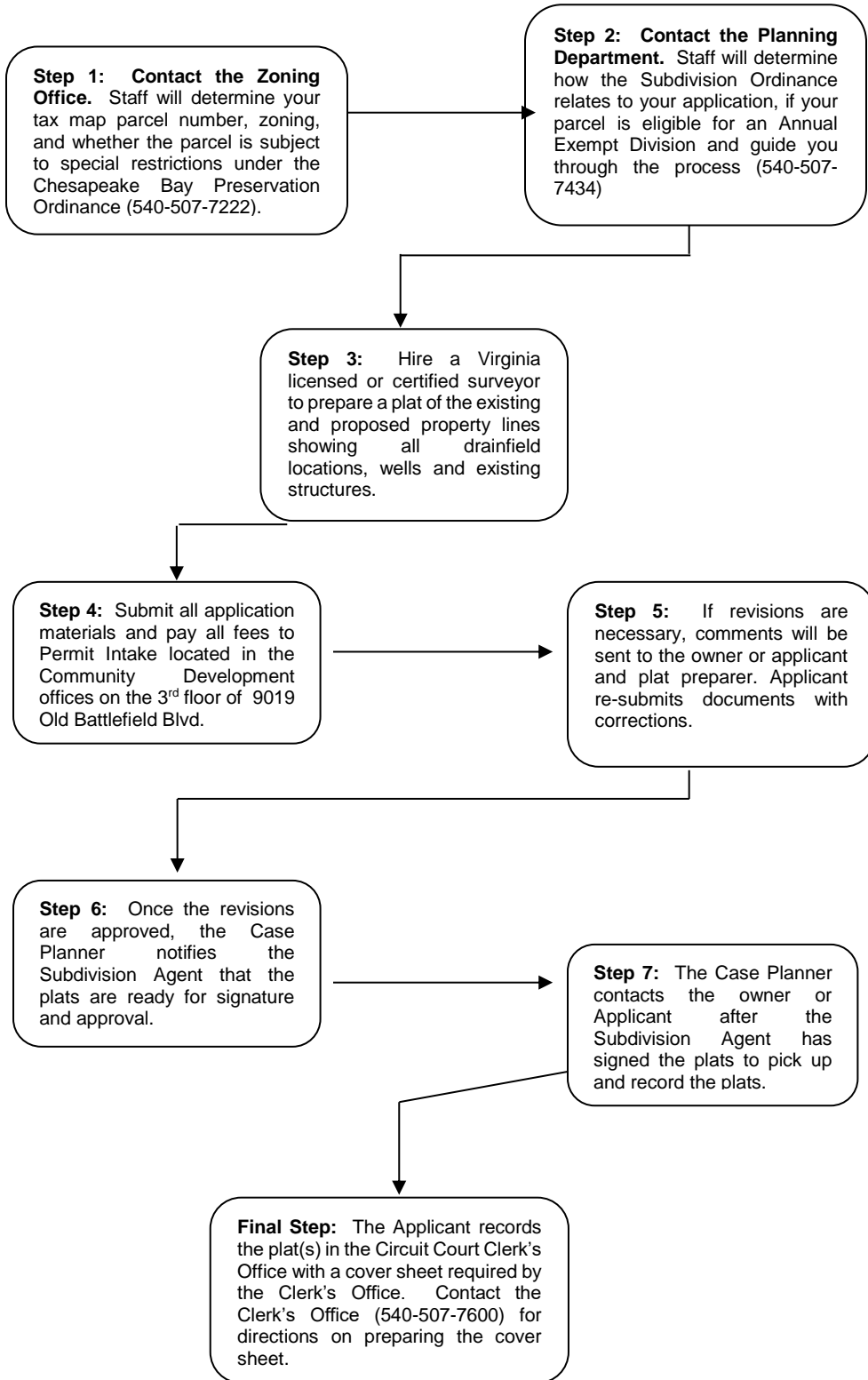
Closure of an application before approval: If an applicant would like to withdraw their application before approval, a written request will be required.

Upon receipt of notice from the Subdivision Agent that an exempt application has not been approved, the applicant shall submit a revised application within ninety (90) days of the date of notice, addressing all deficiencies identified in the notice. Prior to expiration of the resubmission deadline, the applicant may request an extension in writing of a period not to exceed sixty (60) days. A second extension may be requested in writing for a period not to exceed thirty (30) days. The required resubmission timeline may be extended further by the Subdivision Agent in extenuating circumstances. The additional extension shall be requested, in writing to the Subdivision Agent, by the applicant at least ten (10) days prior to the last extension period end date. The hardship request shall fully describe the circumstances related to the failure to resubmit a revised application and provide reasonable justification for granting the extension. The Subdivision Agent may grant one (1) hardship extension for a period not to exceed six (6) months. Failure to resubmit a revised application timely shall render the application null and void.

Recording the Plat: The final, signed plat(s) must be recorded in the Circuit Court Clerk's Office (in the Judicial Center located at Spotsylvania Court House) by the Applicant. The Clerk of the Court will require a cover sheet. For more information on this procedure, contact the Clerk's Office (540-507-7600). You will need two (2) copies of the County approved plat (both with original signatures), a cover sheet, and the recording fees.

Special Note: Development of a new driveway/access (after plat approval) may require the filing of a minor site plan with the Planning Department. Please contact the Planning Department (540-507-7434) for further instructions.

Annual Exempt Division Process Flow Chart



Annual Exempt Division Plat Checklist

File #: _____
Name: _____
Date Received: _____
Date Sent to GIS: _____

I. Application Completeness Review:

- ___ 1. The seven (7) folded plats (18" X 24") submitted are sealed, signed, and dated by the surveyor (original signatures required on all copies). **Four paper copies and plat on CD for initial submission.**
- ___ 2. Organizational documents showing the name of the person and their title authorized to execute legal documents required for this application on behalf of a Limited Liability Company (LLC), Trust or Corporation.
- ___ 3. The division is exempt from regulation under the Subdivision Ordinance (Sec. 20-14.1.1, "Exempt Divisions") if: the parcel existed on February 12, 2002, and the ten (10) allowable divisions of the parent parcel since February 12, 2002 have not been exhausted.
- ___ 4. Parent Parcel has/has not exceeded the allowed one (1) lot per 365-day period and the Annual Division lot yield does/does not exceed six (6) lots from the parent parcel which existed February 12, 2002.
- ___ 5. Parcel being divided **is/is not** in the Land Use Program. If currently in the Land Use Program, a copy of the completed application has been forwarded to the Commissioner of Revenue upon receipt.
- ___ 6. The application form is complete, signed by the owner or agent with a Power of Attorney (POA), and all fees have been paid.

II. Plat Review:

- ___ 1. The Owner's Consent form is complete and correct (see "Model Forms and Notes" on page 10).
- ___ 2. The Owner's Consent, on all seven (7) plats, contains original signatures.
- ___ 3. The Notary form is correct and includes a list of all signing parties (exactly as shown in the Owner's Consent). The Notary is required to sign and print their name, & affix their seal. Both the printed name & seal must be sharp, legible, permanent & photographically reproducible when copied. The Notary's Registration Number and Commission expiration date are shown as well.
- ___ 4. Surveyor's seal correct and complete with either "LIC or Cert No". Please ensure the seal is signed and dated (Please note if revisions were made the seal should contain the date of the last revision). (See model forms table) The surveyor's certificate cannot be signed/dated instead of the seal.
- ___ 5. The County Review Form is present and in the correct format (see "Model Forms and Notes" on page 11).
- ___ 6. The Annual Exempt Division History Block is present and in the correct format (see "Model Forms and Notes" on page 11).
- ___ 7. Note required on all plats, in bold print: "**NOTICE: APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL BE AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME.** [20-4.6.1 (A) (4)]"
- ___ 8. A Vicinity Map is provided at a scale of 1" = 2,000' and includes a North Arrow.
- ___ 9. North Arrow present for the plat rendering.
- ___ 10. Floodplain boundary shown on the plat if zone "A" touches parcel, or there is a note stating that parcel is not in zone "A" per FEMA maps (see "Other Required Plat Notes" on page 12).
- ___ 11. Any existing RPA is labeled on the plat. The plat has a Note stating whether the RPA field was delineated & by whom or that the "RPA Shown per County Maps." Required RPA clause is shown in the Notes section (see "Other Required Plat Notes" on page 12).
- ___ 12. CBPA clause is present in the Notes section (see "Other Required Plat Notes" on page 12).
- ___ 13. Annual Exempt divisions have a minimum lot size of three (3) acres, including the remainder/parent parcel, unless as noted below for properties in the River and/or Reservoir Protection Overlay Districts.

- ___ 14. Is the property within the Reservoir Protection Overlay District? If so, a note is included that identifies the property as being within the Reservoir Protection Overlay District. Additional restrictions are as follows (see "Other Required Plat Notes" on page 12):
 - ___ a. Five (5) acre minimum lot size if using a septic system and the property is adjacent to an existing/proposed reservoir [Sec. 23-7.5.4 (1) a].
 - ___ b. Two (2) acre minimum lot size if using public sewer and the property is adjacent to an existing/proposed reservoir [Sec. 23-7.5.4 (1) b].
 - ___ c. A minimum 200' lot width exists along the mean high water line of an existing/proposed reservoir [Sec. 23-7.5.4 (2)].
 - ___ d. A 150' buffer is shown from the existing or proposed "mean" or "normal pooling level" of the reservoir [Sec. 23-7.5.4 (3) a].
 - ___ e. A 75' river and perennial stream buffer is shown [Sec. 23-7.5.4 (3) b].
 - ___ f. A 250' septic setback exists from the mean high water line of the existing or proposed reservoir [Sec. 23-7.5.4 (4) b].
 - ___ g. A 100' septic setback exists from the flood easement (Ni Reservoir only) [Sec. 22-232].
 - ___ h. A 200' septic setback exists if under 1.25 acres (Ni Reservoir only) [Sec. 22-232].
- ___ 15. Minimums conform to the "River Protection Overlay District" standards. If the property is located within the district, a note is added that identifies the property as such (see "Other Required Plat Notes" on page 12).
 - ___ a. A five (5) acre minimum lot size if using a septic system [Sec. 23-7.4.4].
- ___ 16. If the property is located in the **Highway Corridor Overlay District (HCOB)**, **Historic Overlay District**, and/or the **Airport Protection Overlay District**, please add a note to the plat. (See "Other Required Plat Notes" on page 12).
- ___ 17. No drainfields are located in the 100-year floodplain [Sec. 23-7.4.7(1)].
- ___ 18. No structures or septic systems are located within the RPA, unless a buffer reduction is approved in accordance with Section 6A. Water wells are permissible [Sec. 6A-10 (c)].
- ___ 19. All drainfield systems are set back a minimum of five (5) feet from all property lines and a minimum of 10' from all utility easements (including overheads) per VDH regulations.
- ___ 20. All existing structures are shown with no apparent building setback encroachments.
- ___ 21. No apparent access road/driveway entrance hazards exist.
- ___ 22. Minimum road frontage is provided as required by the zoning district for public road frontage [Sec. 23-6], if required.
- ___ 23. Parcels share access points on the existing secondary road to the maximum extent possible [Sec. 20-14.1.1].
- ___ 24. VDOT access to public road note is present on the plat (see "Other Required Plat Notes" on page 13).
- ___ 25. Label all recording information for existing easements.
- ___ 26. Private Access Easements:
 - ___ a. If serving more than three (3) lots and is greater than 300' in length, the access easement must end in a "T" or "cul-de-sac" [Sec. 20-14.1.1 (E)(6)]
 - ___ b. If serving 3 or more lots, the access easement must be provided with a street name [County/GIS Policy, page 12]
 - ___ c. If not fronting on a public road, a minimum 20' wide private access easement (labeled as "Private" and "Hereby Reserved" on the plat) is shown that does not exceed 2,500' in length [Sec. 20-14.1.1 (E)(6)].
 - ___ d. The six (6) required road maintenance, use, etc. clauses appear in the "Notes" section of the plat, (see page 13 of this packet) [Sec. 20-14.1.1 (D)(7)(a-f)].
- ___ 27. Any plat with lots created without the submission of soil reports demonstrating primary and one hundred (100) percent reserve septic capacity shall include a note in **BOLD AND CAPITAL LETTERS STATING WHICH LOTS WERE PLATTED WITHOUT DEMONSTRATING SEPTIC CAPACITY MEETING THE REQUIREMENTS OF SPOTSYLVANIA COUNTY CODE, CHAPTER 6A.**

- ___ 28. No peculiarly shaped parcels or elongations exist, and no lot has a length greater than five (5) times its width (5:1 rule) [Sec. 20-5.1.9 (e)].
- ___ 29. No pipe-stem lots exist, except as approved by the Planning Commission for lots fronting on lakes, water bodies, or golf courses [Sec. 20-5.1.9 (i)].
- ___ 30. Parcel(s) provide a desirable building site, with at least 10,000 contiguous square feet of buildable area exclusive of steep slopes (>15%), floodplains, wetlands, drainfields, reservoir/river protection overlay district buffers, and RPA [Sec. 20-2.1.3, definition of Buildable Lot].
- ___ 31. Property lines do not extend into a water body [Sec. 20-5.1.9 (g)].
- ___ 32. If the lot is minimum acreage, the Owner's Consent and/or plat do not say "more or less".
- ___ 33. Property lines to be eliminated are labeled "hereby vacated" or "hereby extinguished."
- ___ 34. Adjacent property owners are correctly identified with their name; the parcels tax map number; and the deed book and page number or land record (LR) recording number.
- ___ 35. All signatures are original and preferred to be in **blue ink**.
- ___ 36. The plat's title contains the tax map number and "Annual Exempt Division" as part of its identification. Also, surveyor contact information is present, i.e. company name, phone number, address, etc. Please include any plat revision dates in this area as well.
- ___ 37. The parent parcel tax map number is shown as the tax map number of the remainder/residual acreage parcel, while the newly created parcel is shown as "Parcel A, Parcel B, etc." or some other such similar configuration.

III. Plat/Deed Approvals (Staff Only):

- ___ GIS has reviewed and approved plat.
- ___ Subdivision Agent has approved and signed plat.

Model Forms and Notes

Annual Exempt Division With Public/Private Roads	Surveyor's Seal or Certificate Review Form	Owner's Consent Form	County Review/ Approval Note	Other Notes
Public Road Frontage	Seal	1	Yes	CBPA, RPA, Floodplain & Overlay Notes
Private Access Easement	Seal	2	Yes	CBPA, RPA, Floodplain, Overlay & Road Maintenance Notes

OWNER'S CONSENT FORMS 1 & 2

**Owner's Consent #1
DESIGNATED AS PARCELS/LOTS
USING PUBLIC ROAD FRONTAGE**

Owner's Consent and Dedication

The creation of the parcels of land shown on this plat, containing ___ acres, and designated as (tax map # of parent parcel), (subdivision name/lot number) situated in _____ Magisterial District, in the County of Spotsylvania, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof. The undersigned owners certify that parcel/lot (tax map # of parent parcel) was created on or prior to February 12, 2002, that annual divisions have resulted in no more than 6 lots and that the total divisions have resulted in no more than 10 lots.

The said ___ acres of land hereby subdivided having been conveyed to (names of owners) by _____ by deed dated _____ 20__, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia, in Deed Book ___ Page ___ or Instrument # _____.

Given under my/our hand(s) this ___ day of _____ 20__.
 _____ (Seal)
 _____ (Seal)

State of _____
 City/County of _____, to wit:
 The foregoing instrument was acknowledged before me by _____ this ___ day of _____ 20__.

My Commission expires the ___ day of _____, 20____.
 My Registration # is: _____.

 Notary Public
 Printed Name

COUNTY REVIEW/APPROVAL NOTE

Based on the representations contained in the Owner's Consent, this plat does not constitute a "subdivision" as defined in Section 20-2.1.3 of the Spotsylvania County Code. Further division of this parcel or the parent parcel may constitute a "subdivision" and require compliance with the County Subdivision Ordinance.

 County Administrator or _____ Date
 Agent of the County Board of Supervisors

NOTICE: APPROVAL AND/OR RECORDING OF THIS PLAT DOES NOT CONSTITUTE ASSURANCE THAT PUBLIC SEWER OR PUBLIC WATER SERVICE WILL BE AVAILABLE TO SERVE THE LAND DESCRIBED ON THIS PLAT AT ANY PARTICULAR TIME.

**Owner's Consent #2:
DESIGNATED AS PARCELS/LOTS
USING PRIVATE ACCESS EASEMENTS**

Owner's Consent and Dedication

The creation of the parcels of land shown on this plat, containing ___ acres, and designated as (tax map # of parent parcel), (subdivision name/lot number) situated in _____ Magisterial District, in the County of Spotsylvania, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof, all streets, access easements or accesses for this parcel/lot are private and do not comply with the Virginia Department of Transportation (VDOT) requirements for acceptance into the Secondary System and will not be maintained by either the County or VDOT. The streets, access easements or accesses shall be maintained by the owners of the parcels/lots and/or the owners of dwellings located on such parcels/lots that use the street, access easements or accesses. Prior to any future request for their addition to the State Secondary System, these streets, access easements or accesses must be developed in full compliance with VDOT requirements in effect at that time. Any such development shall be at the expense of the owners of the parcels/lots and/or dwellings located on such parcel/lots who use the streets, access easement or accesses. The undersigned owners certify that parcel/lot (tax map # of parent parcel) was created on or prior to February 12, 2002, that annual divisions have resulted in no more than 6 lots and that the total divisions have resulted in no more than 10 lots.

The said ___ acres of land hereby subdivided having been conveyed to (names of owners), by deed dated _____, 20__, and recorded in the Clerk's Office of the Circuit Court of Spotsylvania County, Virginia in Deed Book __, Pg. ___ or Instrument # _____.

Given under my/our hand(s) this ___ day of _____, 20____.
 _____ (Seal)
 _____ (Seal)

State of _____
 City/County of _____, to wit:
 The foregoing instrument was acknowledged before me by _____ this ___ day of _____, 20__.

My Commission expires the ___ day of _____, 20____.
 My Registration # is: _____.

 Notary Public
 Printed Name

Annual Exempt Division History Block

The following annual division lots created from tax map parcel _____, which existed on February 12, 2002, have been recorded:

Parcel	Date	Instrument
_____	_____	_____
_____	_____	_____

Other Required Plat Notes

Floodplain Note

The following is the preferred wording to be shown on all plats as it relates to FEMA Floodplain designations (the engineer/surveyor is responsible for replacing “xxx” with the correct FEMA map #):

- ❖ *No portion of the land hereon is located in the F.I.R.M. 100-year special flood area zone “A”, as indicated on FEMA map # xxx dated February 18, 1998. However, this land is located in zone “X” (areas outside of the 500-year floodplain)*

or

- ❖ *Portions of the land hereon are located in the F.I.R.M. 100-year special flood area zone “A” as indicated on FEMA map # xxx dated February 18, 1998 and is so designated hereon*

Chesapeake Bay Preservation Act Notes

Per the Chesapeake Bay Preservation Act (CBPA) and the Chesapeake Bay Preservation Ordinance of Spotsylvania County the following statements must be applied to all site plans and plats.

- ❖ *CBPA is an overlay district for the entire Spotsylvania County and the parcel described within this plan lies within the RMA features and (does/does not) contain RPA features within the Chesapeake Bay Preservation Area Overlay District.*

If the parcel/lot has an RPA feature located on it, include the following notes:

- ❖ *Resource Protection Area (RPA) is a 100-foot wide buffer area that shall remain undisturbed and vegetated in accordance with Spotsylvania County Code Chapter 6A - Chesapeake Bay Preservation.*
- ❖ *RPA Shown per County Maps **or** RPA field delineated*

Reservoir Protection Overlay District Note

If the parcel/lot is located in a Reservoir Protection Overlay District, include the following note:

- ❖ *This parcel/tract is located in the Reservoir Protection Overlay District of the County.*

River Protection Overlay District Note

If the parcel/lot is located in a River Protection Overlay District, include the following note:

- ❖ *This parcel/tract is located in the River Protection Overlay District of the County.*

Highway Corridor Overlay District Note

If the parcel/lot is located in the Highway Corridor Overlay District, include the following note:

- ❖ *This parcel/tract is located in the Highway Corridor Overlay District of the County.*

Historic Overlay District Note

If the parcel/lot is located in the Historic Overlay District, include the following note:

- ❖ *This parcel/tract is located in the Historic Overlay District of the County.*

Airport Protection Overlay District Note

If the parcel/lot is located in the Airport Protection Overlay District, include the following note:

- ❖ *This parcel/tract is located in the Airport Protection Overlay District of the County.*

Additional Required Annual Exempt Division Notes

The following shall be placed in the “Notes” section on all affected plats:

- ❖ *VDOT approval required prior to access to all public roads.*
- ❖ Any plat with lots created without the submission of soil reports demonstrating primary and one hundred (100) percent reserve septic capacity shall include a note in **BOLD AND CAPITAL LETTERS STATING WHICH LOTS WERE PLATTED WITHOUT DEMONSTRATING SEPTIC CAPACITY MEETING THE REQUIREMENTS OF SPOTSYLVANIA COUNTY CODE, CHAPTER 6A.**

The following shall be placed in the “Notes” section on all Annual Exempt Division plats:

- ❖ **This lot and any other lot created from the parent parcel identified as TM#XX-XX-XX are required to be a part of a Common Plan of Development and subject to meeting the conditions of the Virginia Stormwater Management Act. A site specific Stormwater Master Plan must be created and approved by the County prior to the commencement of land disturbing activities. No building permit will be issued for any lot until the Common Plan of Development is approved by the County.**

Road Maintenance Notes

All plats, contracts of sale, and deeds for a lot in a subdivision in which private lanes, roads or streets are allowed shall contain language which clearly discloses to a potential purchaser the following minimum information. Lots with frontage on state maintained roads, streets, or lanes are not required to use this language when accessing those roadways directly via a driveway.

- a) The lot is served by a privately maintained road and will not be maintained by the state or county. Any costs necessary to bring the road to a condition qualifying it for acceptance as part of the secondary system of state highways shall be sustained from resources other than those administered by the Virginia Department of Transportation and the County of Spotsylvania or any other public agency;
- b) School bus service shall not be provided by the County along private roads, lanes or streets; unless approved by the Spotsylvania County School Board;
- c) United States Postal Service shall not be provided along private roads, lanes or streets; unless approved by the United States Postal Service;
- d) The expense and responsibility for maintaining the roads within the development shall be paid for and borne by the lot owners and/or developer, as the case may be;
- e) It shall be the responsibility of the developer for the initial construction and subsequent maintenance, if any, of the roads. If the roads are to be maintained by a property owners' association or other legal entity, the disclosure must clearly so inform the buyer.
- f) Ingress and egress easements for public emergency vehicles is hereby granted to Spotsylvania County for all private roads, lanes, or streets within this development.

Spotsylvania County Road and Subdivision Naming Policy

(Pursuant to Virginia Code Section 15.2.2019, authorizing localities to name streets, roads, and alleys.)

Adopted 2001.01.23 Amended 2005.12.13

Prerequisites to County requirement and recognition of an Official Road Name:

- Road must have at minimum three addressable structures, or some combination of existing addressable structures and valid building permits for additional addressable structures to equal three or more. Upon establishment of the third addressable structure or permit, the GIS office shall contact all eligible property owners to begin determination of the new road name.
- Road must be a platted and recorded right-of-way or easement, or an acceptable form of proof must be submitted in writing by the landowner(s) that such permanent ingress/egress easement exists.

Standards for selecting suitable and “Public Safety Agencies Compliant” Road and Subdivision Names:

1. Duplicate names of existing roads with different suffixes shall not be permitted, except when the duplicates occur within the same subdivision and intersect.
2. Sound-alike names, including similar sounding names, shall not be permitted, at the discretion of the Information Services Department, FRES, or the Sheriff's Department.
3. Continuous roads should carry the same name throughout their length. Exceptions should occur only at major intersections, such as signalized intersections of major highways where a cross street could change names, or where opposing entrances to different subdivisions would make differing road names necessary.
4. Standard directionals (N, S, E, W etc.) or suffixes (Street, Lane, Avenue, etc.) shall not be permitted as part of the root road name.
5. Road names should not be named for businesses, with rare exception.
6. Road names should not be named for individuals, except where it can be demonstrated that a particular name carries significant and appropriate historical context.
7. The main portion of any road name, exclusive of any suffix or directionals, shall not exceed 24 characters.
8. Punctuation, including hyphens, apostrophes, or symbols, shall not be permitted.
9. At minimum, two-thirds written consent of all affected property owners must be achieved prior to approval of newly established road names. Approval authority shall rest with the County Administrator or his designee for new road naming in cases where two-thirds consent is reached.

If, after two rounds of property owner notification, a two-thirds approval is not reached, the County Administrator shall forward the issue with recommendations to the Board of Supervisors for resolution.

10. At a minimum, unanimous written consent of all affected residents must be achieved for consideration of a change to an existing road name. Approval authority shall rest with the County Administrator or his designee for road name changes when such unanimous consent is reached.
11. Subdivision and road names approved by the County Administrator's designee as a part of standards and availability review or development application review, but not properly recorded on a subdivision, right-of-way dedication, or easement plat, shall be held in reserve for only one year.
12. Road names shall not take the same name of any existing subdivision, nor shall any subdivision take the same name as any existing road, unless such road is within the subdivision of the same name.

* As stated in the Spotsylvania County Road and Subdivision Naming Policy, it is the county's policy that upon the establishment of the third addressable structure or permit accessing a shared ingress/egress easement, the easement is to become a named road.

It may be determined during review of a division that a third (fourth, etc.) parcel is proposed that will access a shared easement. Depending on the situation, it may be deemed appropriate to name the easement on the plat, so that new addresses can be assigned prior to permits being issued, which will prevent the new parcels from having to change addresses after-the-fact. When an ingress/egress easement becomes a named road, any existing addresses using the easement will have new addresses assigned.

In order to name an easement, the Request for Road Name Assignment/Change form provided below should be submitted to GIS with appropriate signatures. Two-thirds of the affected property owners will need to sign the form to demonstrate agreement to naming the easement. While not all adjacent property owners may be directly affected by the road naming (meaning that their addresses will not change), it is expected that as a courtesy when the easement crosses another property, the applicant will inform the property owner(s) of the pending road name.



Spotsylvania County Code Compliance Department Guidance on Common Plan of Development or Sale

Introduction:

On April 22, 2014, the Spotsylvania County Board of Supervisors adopted the new Stormwater Management Ordinance of Spotsylvania County. The new ordinance implement the Virginia Stormwater Management Act (Va. Code Ann. § 62.1-44.15:24, et seq.) and Virginia Stormwater Management Program (VSMP) Regulation (9VAC25-870 et seq.). The ordinance is effective July 1, 2014.

The definitions in ordinance § 19-A10 includes "Common plan of development or sale" " It is important to know whether or not a proposed land disturbing activity is considered part of a common plan of development or sale and whether coverage under the state General VPDES Permit for Discharges of Stormwater from Construction Activities (state general permit) is required. Land disturbing activities that are part of a "common plan" may require coverage of a state general permit even though they plan to disturb less than one acre.

The following guidance is intended to help clarify the code definition and explain how it applies to stormwater management requirements within the County.

What is a Common Plan of Development or Sale?

The Virginia Administrative Code ([9VAC25-870-10](#)) and the Spotsylvania County ordinance define a common plan of development or sale as "a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

A common plan of development or sale may consist of many small construction projects that together comprise a larger development (e.g. projects requiring a site plan or subdivision plan). For example, an original common plan of development or sale may include the layout of the streets, residential lots, common areas, a school site and commercial development areas that the developer plans to build or sell to others for development. All these areas would remain part of the common plan of development or sale until the intended construction is completed.

Land disturbances that may be considered part of a common plan of development or sale include: A land disturbing

- activity within a subdivision where active construction is occurring;
- A land disturbing activity next to a lot(s) purchased from the same developer or owner, and the combined lots disturb one or more acres;
- A construction project with multiple phases or blocks/parcels, even if the separate phases or blocks/parcels will be constructed under separate contract or by separate owners;
- A land disturbing activity that is part of a development plan that is phased over multiple years, but is still under a consistent plan for long-term development;

What is the significance of a common plan of development or sale?

A land disturbing activity related to residential or nonresidential construction that is part of a common plan of development or sale, is not exempt from the requirements of the County stormwater management ordinance.

State general permit coverage is not required for projects that disturb less than one acre except when they are part of a common plan of development or sale that in total, will disturb one or more acres. It is important to know whether or not a proposed land disturbing activity is part of a common plan of development or sale so that state general permit coverage is obtained when required.

When does a common plan of development or sale begin?

A common plan of development or sale begins when there is documentation (i.e. plats, construction drawings, marketing plans, contracts, etc.) that includes land disturbing activities that will in aggregate disturb one or more acres, regardless of the number of proposed construction phases or time it will take to complete the development.

Individual lots within existing residential, commercial, or industrial site plans and subdivision plans that were platted prior to July 1, 2004 are considered separate land-disturbing activities and not common plans of development or sale.

When a project is no longer considered part of a common plan of development or sale?

A common plan of development ends when the original purpose has been completed or if there has been a clearly identifiable period of time without any construction activity and there is less than one acre of the original common plan remaining to be built. A land disturbing activity within the remaining area may be treated as separately built and no longer part of a common plan.

After the initial common plan land disturbing activity is completed for a particular parcel, any subsequent development or redevelopment of that parcel would be regarded as a new plan of development. For example, after a dwelling is built and occupied, any future construction on that lot (i.e. additions, accessory structures, and redevelopment) would stand alone for purposes of calculating the disturbed area.

What if the extent of the common plan is contingent on future activities?

An applicant may not know up front exactly how many acres will ultimately be disturbed, or whether some activities will even occur with certainty. In this case an applicant should make the best estimate possible and may wish to overestimate the area of disturbance to determine whether or not the ordinance or state general permit coverage applies.

If a project has a long range master plan of development where some portions of the master plan are conceptual rather than a specific plan of future development and the future construction activities would, if they occur at all, happen over an extended time period, an applicant may consider the "conceptual" phases of development to be separate common plans

of development or sale provided the periods of construction for the physically interconnected phases will not overlap.

What if the project consists of separate, non-contiguous construction activities that are part of a larger common plan?

According to US EPA permit guidance¹, if discrete construction projects are located within a larger common plan of development or sale but are located at least 1/4 mile apart, they may be considered separate plans provided any interconnecting road, travel way, or utility project that is part of the same common plan of development or sale is not concurrently being disturbed.

If you have any questions, please contact the Deputy of Environmental Code Office at (540) 507-7426.

¹ US EPA: Construction General Permit (CGP) Frequent Questions <https://www.epa.gov/npdes/construction-general-permit-cgp-frequent-questions>

Annual Exempt Division Frequently Asked Questions

- ❖ **What was the intent of the annual exempt division ordinance that had been originally adopted on 03/10/09?**
 - Land in the A-2, A-3, R-A, R-R, and Ru districts are allowed to record one annual exempt division per 365-day period.
 - Divisions are based upon the parent parcel as it existed on February 12, 2002 and no more than ten (10) total lots can be created; only six (6) of those ten (10) lots can be created under the Annual Exempt Division provision.
 - A Maximum of 100 annual division lots may be approved in the County in each 365-day period from 03/10/09. This is on a first come basis.
 - Minimum lot size (which includes the parent/remainder parcel) shall be three (3) acres.

- ❖ **How does the Land Use Program affect my ability to create an Annual Exempt Division?**

The subdivision of a lot enrolled in the land use taxation program (administered by the Commissioner of Revenue) may disqualify the property owner from the program. Once the property changes, the owner is responsible for paying the County a roll back tax based on the amount of taxes that were deferred. The deferred tax is the difference between the land use value and the assessed value. Virginia Code Sec. 58.1-3237 requires the landowner to report a change in use, zoning, or property configuration to the Commissioner of Revenue within 60 days of the action. The Commissioner of the Revenue can be contacted at 540-507-7053 for additional information.

- ❖ **What is the minimum lot size for a parcel created under this ordinance?**

Three (3) acres (including the parent parcel), unless located in the River or Reservoir Protection Overlay Districts, which may require a larger parcel (see Checklist).

- ❖ **What zoning districts allow an annual exempt division?**

A2, A3, R-A, R-R, and Ru only.

- ❖ **Do I need to build a public (VDOT) and/or paved private road?**

No, you are only required to provide a minimum of a private, 20' wide ingress/egress easement to the nearest public road for the new lot. No public road frontage is required. A minor site plan may be required to construct a new driveway/access. Contact the Planning Department at (540-507-7434) for further instructions.

- ❖ **If my land was divided prior to February 12, 2002, can I still divide it?**

Yes. The requirement is based on the acreage of the parent parcel that existed on February 12, 2002. Consult the Planning Department for a determination.

- ❖ **What if my property has been divided since February 12, 2002, can I do additional divisions of this parcel?**

Yes, but only the parent parcel that existed on February 12, 2002, and then only if all allowable splits have not been exhausted. Consult the Planning Department for a final determination.

- ❖ **How many lots can I create?**

No more than ten (10) lots based on the parent parcel of February 12, 2002. Under the Annual Exempt provision, only one (1) lot can be created each year (from 03/10/09), to a maximum of six (6) annual exempt lots over a six (6) year period.

- ❖ **What if my land is landlocked and I want to create an annual exempt division?**

You will need to obtain a minimum of a 20' wide access easement from any neighbor to the nearest public road. This is a private issue and can only be resolved between you and your neighbor(s). The county does not have any involvement in private easements.

- ❖ **How do I start the process?**

Follow the plat procedures outlined in the "Annual Exempt Division Plat Application" packet (see Process Flow Chart on page 8 of this packet).

- ❖ **Can I divide land in a conventional subdivision?**

If the parcel/lot is in a conventional subdivision (contact the Planning Department if you are not sure), it meets all the acreage requirements previously outlined, and there are no acreage restrictions

imposed by a Homeowner's Association, covenants, or the deed of ownership, you may be able to undertake an Annual Exempt Division of your property. To be sure, though, consult with the Planning Department and your Homeowner's Association, as well as checking both your deed and any subdivision covenants before beginning the process.

❖ **Can I do a conventional and an annual exempt division on the same parcel at the same time?**

No. The two processes are dissimilar, have different standards and requirements, and, therefore, must work independent of one another. You should consult with the Planning Department to determine what division rights may be available to you

❖ **Is a right-of-way dedication required?**

No, not unless you want to. You only need a private ingress/egress easement that is a minimum of 20' wide for the new parcel.

Appendix A
Plat Application



SPOTSYLVANIA COUNTY PLAT APPLICATION
 Submit the completed application with the required plats, all supplemental documents and information, and fees to Code Compliance Permit Intake
 9019 Old Battlefield Blvd, Suite 320
 Spotsylvania, Virginia 22553

Planning Department
 9019 Old Battlefield Blvd., Suite 320
 Spotsylvania, Virginia 22553
 (540) 507-7434 (voice)
 www.spotsylvania.va.us

FEES		
July 1, 2019 Fee Schedule		
Planning:	110-0000-316-16-03 (39)	\$
Zoning:	260-0000-313-03-45 (017)	\$
Processing Fee:	260-0000-318-99-14 (017)	\$ 65.00
GIS:	110-0000-316-16-10 (334)	\$
TOTAL FEE PAID:		\$

Type: (Check One) NOTE: All plats must be folded prior to submission

- Preliminary Plat:** 12 plats - Planning fee: (50 lots or less) \$1,840; (51 lots or more) \$3,020 + \$15 per each 5 lots or portion > 55; GIS fee: \$280 + \$5 per lot > 10 lots; Zoning fee: \$50;
- Record Plat/Final Plat:** 10 plats - (Planning fee: Minor (3 lots or less) \$1,755; Major (4 or more lots) \$3,200 + \$15 per lot > 10 lots; GIS fee: \$815 + \$10 per lot > 3 lots; Zoning fee: \$50;
- Non-Residential/Article13 Plat:** 12 plats- (Planning fee: \$1,500 + \$15 per lot > 10 lots; GIS fee: \$815 + \$10 per lot > 3 lots); Zoning fee: \$50;
- Family Exempt Division:** 7 plats (Planning fee: \$1,255; GIS fee: \$580; Zoning \$50)
- Annual Exempt Division:** 7 plats (Planning fee: \$1,145; GIS fee: \$580; Zoning \$50)
- Consolidation or Adjustment:** 7 plats (Planning fee: \$1,145; GIS fee: \$580; Zoning \$50)
- Easement /Right of Way Plat:** 8 plats (Planning fee: \$1,480; GIS fee: \$580; Zoning \$50)
- Easement Exhibit** 7 exhibit plats (Planning fee: w/legal docs. \$865.00; w/out legal docs \$480.00; GIS \$460; Zoning \$50)

Subdivision Name or Owner's Name: _____

Section #: _____ # of lots: _____ Nearest State Route #: _____ Zoning District: _____

Voting District: _____ **Magisterial District:** _____ **Public Water:** Y N **Public Sewer:** Y N **Public Streets:** Y N

Tax Map #: _____ **Parcel Acreage:** _____ **In Land Use Program:** Y N

Developer (Owner if no developer)

Engineer/Surveyor

Address

Address

City, State, Zip

City, State, Zip

Phone Number

Contact Person

Phone Number

Contact Person

E-mail:

E-mail:

E-mail will only be used to send comments as a result of the project's review.

Signature(s): All owners must sign the application or submit an agent authorization letter. Signature(s) of owner(s) or authorized agent:

Date: _____

I hereby certify by my signature above that I am the owner of record of the named property or that I am authorized to act on behalf of all the owners of record of the named property to execute this application. I further certify that all information I have provided thereon is complete and accurate. I agree on behalf of myself and all owners to conform to the Zoning Ordinance, Subdivision Ordinance, Virginia Uniform Statewide Building Code, Erosion Ordinance, Chesapeake Bay Preservation Ordinance, the Water and Sewer Construction Specifications of Spotsylvania County, and all other applicable laws and regulations of this jurisdiction.

****Refunds (Planning) – All refunds must be requested in writing to the Planning Director. Refunds will be issued in the following circumstances: 95% of Planning fees if application is withdrawn within two (2) business days of submission; 80% of Planning fees if application is withdrawn during the initial review period (time varies depending on application type); 40% of Planning fees if application is withdrawn within ten (10) business days after initial review comments are issued.****

FOR OFFICE USE ONLY

Application received by

Date

Application Number