

Joint Meeting, Tuesday, September 13, 2011, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: AUGUSTA COUNTY BOARD OF SUPERVISORS

Jeremy L. Shifflett, Chairman
Wendell L. Coleman, Vice-Chairman
David R. Beyeler
Nancy T. Sorrells
Larry C. Howdyshell

ABSENT: Gerald W. Garber
Tracy C. Pyles, Jr.

PRESENT: AUGUSTA COUNTY PLANNING COMMISSION

Wayne F. Hite, Chairman,
James Walter Curd, Vice-Chairman
William B. Garvey
Kitra Shifflett
Eric M. Shipplett
Taylor Cole

ABSENT: Gordon Kyle Leonard, Jr.

STAFF: Patrick J. Coffield, Augusta County Administrator
Patrick J. Morgan, Augusta County Attorney
Timmy Fitzgerald, Director of Community Development
Jessica Staples, Administrative Secretary
Becky Earhart, Senior Planner, Augusta County

VIRGINIA: At a joint meeting of the Augusta County Planning Commission and the Augusta County Board of Supervisors, held on Tuesday, September 13, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 236th year of the Commonwealth....

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FLOODPLAIN ORDINANCE

This being the day and time advertised to consider an ordinance to amend the Code of Augusta County, Virginia sections 25-471, 25-474.1, and 25-475 of the Floodplain ordinance, and Sections 21-6 and 21-22 of the Subdivision Ordinance, and to repeal section 25-706.1 of the Transitions Article.

The meeting was called to order at 7:00 p.m. by Chairman Shifflett for the Augusta County Board of Supervisors, and by Chairman Hite for the Augusta County Planning Commission.

Chairman Hite declared the joint public hearing open.

Chairman Shifflett declared the joint public hearing open.

Timmy Fitzgerald, Director of Community Development, reported the changes to the Floodplain Ordinance and stated that an updated version had been circulated. Changes were made to the following sections: 25-474.1.B; 25-474.1.C.; 25-475.A.; 25-475.B, which, basically, eliminates the requirement for additional work if you were within 100 feet of the floodplain boundary. In recent discussion, precautionary measures had been included in the ordinance which had a 100-foot buffer beyond the FEMA floodplain lines; issues were being created and the Board of Supervisors had requested that the 100-foot buffer be eliminated. This has now been eliminated from the ordinance. In Section 25-474.1, the requirement for all new lots to have at least 9,000 square feet outside of the floodplain was deleted and was replaced with a requirement that all new lots have a "buildable area" outside of the floodplain. In Section 25-706.1, the Transitions Article was deleted because it was a repeat in the Floodplain Ordinance.

September 13, 2011, at 7:00 p.m.

This was basically a clean-up measure. In Section 21-6, a requirement was added that all new lots created in the Floodplain Overlay Districts be in compliance with Section 25-474.1, which is the section that indicates where you can build within the floodplain. Section 25-474.1 states that you can develop the lot if it meets the requirements of Section 25-474.1.B. (for example, use extra boat docks and sewer plants) or 25-474.1.C. (roads) of the Augusta County Code. In Section 21-22, lots that are created for those uses do not have to have sewer connections. Two additional changes were made since the draft was made:

- 1) Section 25-475.A.1. will now read: The sketch plan will be examined by the Zoning Administrator to determine "if" the proposed development may be in a Floodplain Overlay District; and
- 2) Section 25-475.B.1.e. will now read: Applicable "district" setbacks.

Mr. Fitzgerald added the requirement that setbacks were to be measured from the FEMA floodplain lines has been eliminated. He noted that you still had to meet the setbacks for front, rear and side yards as required in that particular district; therefore, that would be from the property line, not from the FEMA floodplain line.

The following people spoke in support of the revised ordinance:

W. J. Farley; Mitchell Robertson; Tim Farley; Jo Payne; Scott Winfield, IV;
Doug Wood; Mac Williams

W. J. Farley, a farmer and recent retiree of the Virginia Department of Agriculture (38 years service), had never seen regulations so restrictive to the citizens based on "unscientific data". He felt that the FEMA flood maps will never be corrected. He did not feel it was good policy to place restrictions on property owners, especially, when the 100-foot requirement based on the flood lines is not accurate. It was noted that this requirement was not made by FEMA and was unnecessary. Repealing this requirement will not affect the eligibility of citizens of the County to participate in the flood insurance program if needed.

Mr. Robertson commended the Augusta County Board of Supervisors for seeking to amend and repeal the ordinance to eliminate the 100-foot buffer.

Tim Farley felt that "less regulation is the solution" (versus more regulation). He questioned why landowners were not notified when these regulations had been created. He asked for those present tonight who supported the amended ordinance to stand.

Ms. Payne added that in a previous meeting, it was mentioned that a 25-foot setback be added in lieu of the 100-foot setback and allow a waiver process. She felt that nothing should be added other than what FEMA requires. She referred to Back Creek where natural changes are occurring and asked who was responsible to assist in clearing blockages. She felt that a waiver process was unnecessary due to cost and time.

There being no other speakers, Chairman Hite declared the public hearing closed.

There being no other speakers, Chairman Shifflett declared the public hearing closed.

Chairman Hite asked the Commission if there were any questions or comments.

Mr. Shipplett moved, seconded by Mr. Garvey, to adopt the ordinance as revised.

Vote was as follows: Yeas: Hite, Curd, Garvey, Shifflett, Shipplett and Cole
 Nays: None
 Absent: Leonard

Motion carried.

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Mr. Beyeler moved, seconded by Mr. Coleman, that the Board adopt the following

September 13, 2011, at 7:00 p.m.

ordinance as revised:

AN ORDINANCE TO AMEND THE CODE OF AUGUSTA COUNTY, VIRGINIA SECTIONS 25-471, 25-474.1, AND 25-475 OF THE FLOODPLAIN ORDINANCE, AND SECTIONS 21-6 AND 21-22 OF THE SUBDIVISION ORDINANCE, AND TO REPEAL SECTION 25-706.1 OF THE TRANSITIONS ARTICLE.

WHEREAS, the Augusta County Board of Supervisors of Augusta has deemed it desirable to amend the floodplain ordinance to make it more consistent with the requirements of FEMA regulations;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-471, Section 25-474.1, and 25-475 of the Augusta County Code be amended to read as follows:

§ 25-471. Purposes, applicability, liability and penalties.

A. Purposes. The purpose of the Floodplain Overlay District is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, the impairment of the tax base, and to qualify Augusta County properties for the National Flood Insurance Program by:

1. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
2. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
3. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be flood proofed against flooding and flood damage.
4. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

B. Applicability. This article shall apply to all lands within the County of Augusta which are identified as being in, ~~or within one hundred feet (100') of,~~ the Floodplain Overlay Districts as established in § 25-473 of this article.

C. Compliance and liability.

1. No land shall be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered in, ~~or within one hundred feet (100') of,~~ the Floodplain Overlay Districts as established in this article except in full compliance with the terms and provisions of this article and any other applicable laws and regulations.
2. The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This does not imply that areas outside the floodplain districts or that land uses permitted within such districts will be free from flooding or flood damages.
3. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Zoning Administrator.
4. This article shall not create liability on the part of the County of Augusta or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

D. Penalty for violations. Any person who fails to comply with any of the requirements or provisions of this article or directions of the Zoning Administrator shall be subject to the penalties listed in division J of this chapter.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to

September 13, 2011, at 7:00 p.m.

continue; and all such persons shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the county to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

§25-474.1. New lots prohibited in Floodplain Overlay Districts.

A. No new lots shall be created in Floodplain Overlay Districts in Augusta County unless ~~the lot contains at least nine thousand square feet (9000 sq. ft.) of contiguous acreage lying outside of the district and a~~ buildable area is clearly identified on the subdivision plat or the provisions of paragraph B have been met.

B. ~~Except that, a~~ A lot which has less than nine thousand square feet (9,000 sq. ft.) of contiguous acreage does not have a buildable area lying outside of the district may be created if the lot is otherwise appropriate for the proposed development which is permitted by the regulations of the underlying zoning classification and this article. ~~and there is a statement~~

1. The following language shall appear on the plat creating such a lot ~~and in the deed such as~~ "Lot _____, as depicted on this plat, does not contain sufficient land area outside of the floodplain for development."

2. The following language shall appear on any deed transferring ownership of such lot: "The lot devised by this deed has been identified as being in the floodplain. Development on this lot may only be allowed if the requirements of §25-474 B or C of the Augusta County Code are met."

§ 25-475. Development in or near Floodplain Overlay Districts.

If development is permitted under one (1) of the exceptions provided in §25-474 or §25-474.1. above, the following submittal and approval process is required.

A. Step One, determination of whether an application for development shall include certain additional information.

1. All applications for a Land Disturbing Permit or a Building Permit are required to submit a "sketch plan" showing the location of the proposed development, including any access roadways in relation to the floodplain. The sketch plan will be examined by the Zoning Administrator to determine ~~whether it appears that~~ if the proposed development may be in ~~or within one hundred feet (100')~~ of a Floodplain Overlay District.

2. If determined that no part of the proposed development will be in ~~or within one hundred feet (100')~~ of any Floodplain Overlay District, the permit for the development may be issued, provided the development otherwise qualifies for the permit under the applicable provisions of the County Code.

3. If determined that all or part of the proposed development may be in ~~or within one hundred feet (100')~~ of a Floodplain Overlay District, the applicant shall be required to supply the information required by "Step Two" in §25-475 subparagraph B below, unless a waiver is obtained as provided by item ~~5~~ 4 below.

~~4. If determined that all or part of the proposed development may be within one hundred feet (100') of but not in a Floodplain Overlay District, the applicant shall be required to supply the information required by §25-475 subparagraph B below, unless a waiver is obtained as provided by item 5 below.~~

~~5~~ 4. Where permitted in items 3 ~~& 4~~ above, the required additional information under subparagraph B below may be waived by the consent of the Zoning Administrator, with the advice and assistance of the County Engineer, if he is satisfied that there is no way any portion of the proposed development will be within the Floodplain Overlay District.

B. Step Two, determination of applicability of district regulations.

1. If the property is confirmed to be in, ~~or within one hundred feet (100')~~ of the Floodplain Overlay District through "Step One" (§25-475 A) above, the applicant shall file a floodplain development plan prepared and sealed by a professional engineer or land surveyor showing:

- a. The proposed development including any access roadways,
- b. Existing and proposed contours at one foot (1') intervals,
- c. The elevation of the one hundred (100) year flood, both before and after the proposed development, and
- ~~d. The boundaries of the lot or parcel within one hundred~~

September 13, 2011, at 7:00 p.m.

~~feet (100') of the one hundred (100) year flood elevation.~~

e d. Applicable district setbacks

2. If the floodplain development plan shows that no portion of the proposed development will be in ~~or within one hundred feet (100')~~ of the Floodplain Overlay District, then the permit for the development may be issued, provided the development otherwise qualifies for the permit under the applicable provisions of the County Code.

~~3. If the floodplain development plan shows that all or part of the proposed development will be within one hundred feet (100') of, but not in, the Floodplain Overlay District, the permit for development may be issued provided the development otherwise qualifies for the permit under the applicable provisions of the County Code, and further provided that the boundary of the one hundred (100) year flood elevation shall be deemed an exterior boundary of the lot or parcel for the purpose of measuring minimum setbacks (not including setbacks greater than one hundred feet (100') under the applicable regulations of the underlying zoning district.~~

Delete this drawing:

~~4-3. If the floodplain development plan shows that all or part of the proposed development will be in the Floodplain Overlay District, the permit for development may be issued provided the development otherwise qualifies for the permit under the applicable provisions of the County Code, and further provided that the lot or parcel qualifies for exemption under § 25-474 or §25-474.1. of this article, and the requirements of "Step Three" under § 25-475 subparagraph C below are met~~

C. Step Three, requirements before development allowed within Floodplain Overlay District.

If the development meets the requirements of § 25-474 or §25-474.1. of this chapter and is determined to be within the Floodplain Overlay District by § 25-475 A & B, a zoning permit may be issued subject to the following requirements

1. Permit Requirement. All uses, activities, and development occurring within any Floodplain District shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the Ordinance and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code and the Augusta County Subdivision Regulations. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

2. Alteration or Relocation of Watercourse. Prior to any proposed alteration or relocation of any channels or of any watercourse or stream, within this jurisdiction a permit shall be obtained from:

- a. Division of Dam Safety and Floodplain Management, Virginia Department of Conservation and Recreation;
- b. U.S. Army Corps of Engineers;
- c. Virginia Department of Environmental Quality; and
- d. Virginia Marine Resources Commission.

Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration. Any alteration or relocation shall not reduce flood carrying capacities.

3. Stormwater Management Facilities. All storm drainage lines or channels shall be in compliance with Chapters 9 and 18 of the County Code, and shall be designed and constructed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and waste disposal sites. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed and constructed to prevent the discharge of excess runoff onto adjacent properties.

September 13, 2011, at 7:00 p.m.

4. Utilities.

a. Sanitary sewer. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they shall be located and constructed to minimize or eliminate flood damage and impairment.

b. Water facilities. All new or replacement water facilities shall be designed and constructed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

c. All other utility lines, such as gas lines, electrical and telephone systems, being placed in flood-prone areas shall be located, elevated, or constructed to minimize the chance of impairment during a flooding occurrence.

d. Streets and sidewalks. Streets and sidewalks shall be designed and constructed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

5. Manufactured homes. All manufactured homes placed or substantially improved, on individual lots or parcels, in existing or in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must be designed such that:

a. The lowest floor of the manufactured home is elevated no lower than one foot (1') above the base flood elevation;

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the grade; and

c. The manufactured home is securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.

6. Site plans and permit applications. All applications for development in the floodplain overlay district and all building permits issued for the floodplain shall be accompanied by a floodplain development plan and elevation certificate prepared and sealed by a professional engineer or land surveyor showing the following information:

a. All existing and proposed structures,

b. For structures to be elevated, the elevation of the lowest floor, including basement (The finished floor elevation shall be at least one foot (1') above Flood Plain Elevation.),

c. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed, and documentation demonstrating strict adherence to the flood-proofing requirements of the Virginia Uniform Statewide Building Code.

d. The elevation of the one hundred (100) year flood, both before and after development,

e. Topographic information showing existing and proposed ground elevations at one foot (1') intervals, and

f. The location of the cross-sections shown in the floodplain analysis from the Flood Insurance Study.

7. Compensatory Storage required. When development is permitted in any floodplain overlay district and the development involves construction below the base flood elevation, placement of fill or otherwise reduces flood storage, compensatory storage shall be provided at a hydraulically equivalent site, either on the same parcel, or on an immediately adjacent parcel, which may be under the same or different ownership. When provided on an adjacent parcel, either under the same or different ownership, an easement shall be provided.

8. Development in floodways. Within a Floodway, no encroachments, including fill, new construction, substantial improvements, or other development or use shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with

September 13, 2011, at 7:00 p.m.

standard engineering practice that the proposed encroachment would not result in any increase in the base flood elevation, and no buildings are permitted within the limits of the floodway.

9. Development in flood fringe and approximated floodplain areas.

Within flood fringe and approximated floodplain areas, development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such development and use shall be undertaken in strict compliance with the elevation, floodproofing and related provisions contained in the current edition of the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

Within the flood fringe and approximated floodplain areas, all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five (5) acres, whichever is the lesser, shall include within such proposals base flood elevation data. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100) year flood elevation more than one foot (1') at any one (1) point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increased flood height. Within the floodway area delineated by the applicant, the provisions of § 25-475 subparagraph C, number 8 above shall apply.

10. Development in floodpool areas:

Within floodpool areas, development and use of land shall be permitted in accordance with the regulations of the underlying district provided that all such development and use shall be undertaken in strict compliance with the elevation, floodproofing and related provisions contained in the current edition of the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. The Base Flood Elevation used in applying these codes and ordinances shall be the Base Flood Elevation established for the floodpool area.

Be it further resolved by the Board of Supervisors for Augusta County that Section 25-706.1 of the Augusta County Code is hereby repealed.

Be it Further resolved by the Board of Supervisors for Augusta County that Sections 21-6 and 21- 22 are amended to read as follows:

§ 21-6. Compliance with Chapter 25 required.

A. All lots shall be of sufficient size, shape and dimension to meet all the applicable requirements of Chapter 25 of this Code.

B. No new lots shall be created in Floodplain Overlay Districts except in full compliance with §25-474.1 of this Code.

C.. Where it is not readily apparent from a submitted plat that a lot complies with the applicable development standards, the subdivision agent may require that the applicant submit a site plan of such lot in accordance with Chapter 25 of this Code.

D. Every final plat submitted pursuant to this chapter shall contain a written certification by the preparer that all lots are in compliance with the provisions of Chapter 25 of this Code applicable to frontage, width and area.

§ 21-22. Plat requirements.

The following shall be required of all minor subdivision plats:

A. A minor subdivision plat shall contain or be drawn in accordance with the following:

1. On sheets eighteen inches (18") by twenty-four inches (24"), eleven inches (11") by seventeen inches (17"), eight and one-half inches (8-1/2") by eleven inches (11") or eight and one-half inches (8-1/2") by fourteen inches (14"). In cases where more than one sheet is required they shall be match marked. All copies shall bear the original signature of the preparer and shall be on white paper with black lines.

2. The name of the recorded owner and identification of the plat, the source of title of the recorded owner and the place of record of the last instrument in the chain of title.

3. The tax map sheet, section and parcel number of each tract being subdivided.

September 13, 2011, at 7:00 p.m.

4. The exact layout, including all dimensions, both linear and angular, for locating lots, adjoining public streets, proposed and existing private streets and easements. The linear dimensions shall be expressed in feet and hundredths of a foot and the angular measurements shall be expressed by bearings or angles in degrees, minutes and seconds. Each curve shall be defined by its chord bearing, chord length, radius, central angle, tangent length and arc length. Survey accuracy shall result in an error of closure of one in ten thousand or better.

5. Approved "subdivision lot monuments," in accordance with county design standard 80-2.

6. Date and all revision dates, north point and scale.

7. The area of each lot or parcel and the total area of the subdivision.

8. Name and license of the land surveyor or professional engineer preparing the plat.

9. The location of all buildings which are at least in part within fifty feet (50') of any newly created lot lines, including the square footage of such buildings and the distance from such buildings to the newly created lot lines.

10. The boundaries of any Overlay District on the property, as designated in Division H of Chapter 25 "Zoning", of this code, including any sub-designations within such overlay district.

11. The boundaries of any dam break inundation zone required by §10.1-606.2 and on file with the Virginia Department of Conservation and Recreation and the Department of Community Development.

12. The location of any grave, object or structure marking a place of burial, or a note indicating that none were located.

13. Approval signature panel.

B. A minor subdivision plat shall be accompanied by written confirmation from the appropriate officials that:

1. In accordance with § 21-7, a sewer connection is available for each lot less than twenty (20) acres in area shown on the plat to be served by a public sewer system and an onsite sewage disposal system can be approved for each such lot shown on the plat not to be served by a public sewer system.

2. A highway entrance permit can be obtained for each lot having the required road frontage, including a parent lot not shown on the plat if less than twenty (20) acres in area. Each lot without the required public street frontage, including a parent lot not shown on the plat if less than one hundred (100) acres in area, shall have confirmation that its access to a public street meets all of the regulations of the Virginia Department of Transportation for entrances.

C. The requirements of subsection (B) above shall not apply to:

1. A boundary line adjustment where no new lots are created, unless a lot is reduced in acreage from twenty (20) acres or more to less than twenty (20) acres.

2. A subdivision which will result in lots on which dwellings exist as of the effective date of subdivision, provided that such lots have previously approved means of sewage disposal and highway entrances, and provided further, the plat contains a certification by the preparer that neither will be disrupted as a result of the subdivision.

3. A division for a deed of trust in accordance with §21-20 (B).

D. The requirements of subsection B.1. above shall not apply to a subdivision lot that was created in a Floodplain Overlay District pursuant to §25-474.1 with the restriction against building on the lot.

E. Every plat shall contain in addition to the professional engineer's or land surveyor's certificate a statement as follows:

The platting or dedication of the following described land [here insert a correct description of the land subdivided] is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

The statement shall be signed by such persons and duly acknowledged before some officer authorized to take acknowledgment of deeds.

September 13, 2011, at 7:00 p.m.

F. Where appropriate, a minor subdivision plat shall show on its face written certification by the preparer that:

1. When the area subdivided lies within an Urban Service Overlay District, that the requirements of Article L, "Urban Service Overlay (USO) Districts," of Chapter 25 "Zoning," of this Code have been met or that appropriate arrangements, acceptable to the subdivision agent, have been made to ensure that they will be met.

2. When existing buildings are present on either a newly created or parent lot, that those existing buildings, which may or may not be shown on the plat, unless already non-conforming, meet the requirements of either the permitted uses or accessory uses section of the underlying zoning classification of Chapter 25, "Zoning" of this code, or that a Special Use Permit has been issued, remains valid, and the building is in compliance with the provisions of such Special Use Permit.

G. A minor subdivision plat may be submitted in accordance with § 25-77.4 of this Code, to establish a "family member exception lot." When a minor subdivision plat is submitted for such purpose, the plat shall show on its face written certification by the grantor:

1. of the names of the grantor and grantee of the proposed lot and their familial relationship;

2. that the lot is not created for the purpose of the circumvention of this chapter;

3. that at least one grantee is a member of the immediate family of the grantor;

4. that such grantee has not been the prior recipient of any portion of a family member exception lot in Augusta County*;

5. that the grantor has not received previously from such grantee any portion of a family member exception lot in Augusta County*; and

* For example, in the case of a lot owned by a husband and wife, the husband or the husband and wife can convey a lot to the wife but she cannot then convey a lot to the husband.

6. that the lot created shall be titled in the name of such grantee, as the owner of at least a fifty percent (50%) interest in such lot, for a period of no less than three (3) years unless the earlier conveyance of such lot is permitted under § 25-77.4 of this Code.

Each initial deed of conveyance of any family member exception lot shall contain a similar certification by the grantor.

H. A minor subdivision plat submitted for approval shall be accompanied by the fees prescribed in Chapter 19 of this Code.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler, Shifflett and Coleman
Nays: None
Absent: Garber and Pyles

Motion carried.

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ADJOURNMENT

There being no other business to come before the Board, Mr. Coleman moved, seconded by Ms. Sorrells, that the Board of Supervisors meeting be adjourned subject to the call of the Chairman.

Vote was as follows: Yeas: Howdysshell, Sorrells, Beyeler, Shifflett and Coleman
Nays: None
Absent: Garber and Pyles

Motion carried.

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Chairman, Board of Supervisors

County Administrator