

SECTION 9 - PRELIMINARY PLATS

9-1 Authorization and Purpose (Amended by the Board of Supervisors on June 12, 2014.)

This section is authorized by Paragraph 15.2-2260 of the Code of Virginia. The purpose is to provide the subdivider with a tentative indication as to whether the proposed subdivision complies with the rules of preparation and procedure as set forth in the Ordinance. Subdivisions occurring on property rezoned to the Mixed Use Bealeton or Planned Residential Development with an approved Code of Development shall not have a preliminary plat; such applications shall proceed after rezoning to the Code of Development Site Plan process set forth in Section 12-800 of the Zoning Ordinance and Final Plat process set forth in Section 10 of this Subdivision Ordinance. A preliminary plat is not required for any subdivision of 50 or fewer total lots. Where not required, a preliminary plat may be submitted for approval at the option of the landowner. Where not submitted, such plats may proceed directly to the Construction Plan/Final Plat process set forth in Section 10 of the Subdivision Ordinance.

9-2 Pre-Application Conference

Before preparing a preliminary plat, the subdivider shall confer with the governing body's agent regarding the regulations contained in this Ordinance, the Comprehensive County Plan, the Zoning Ordinance and other applicable Ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of the existing Ordinances plus any amendments, which are pending at the time of plat preparation.

9-3 Application and Filing

An application for preliminary plan approval shall be submitted to the agent accompanied by eighteen (18) copies of plans and support materials required by this Ordinance and by the rules of the agent and accompanied by the required fee. No application can be submitted without appropriate support materials. Such application and materials shall be submitted not later than sixty (60) days prior to the date of the Planning Commission meeting at which the applicant wishes the plat to be considered. The submission shall be considered officially filed once approved by the agent in accordance with Section 9-4 of this Ordinance. (Amended by the Board of Supervisors on March 12, 2009.)

9-4 Application Review

The agent shall have seven (7) working days to review the application, plans and support materials in order to determine that the submission and content requirements have been met. Once the application is reviewed, written notification of the acceptance or rejection of the submission shall be sent to the applicant by mail not later than ten (10) days after the date of submission. If accepted, the submission shall be officially filed and shall be placed on the Planning Commission agenda. If rejected, the subdivider will be notified in writing with a list of deficiencies. Upon receipt of the deficiencies, the applicant may

submit a revised preliminary plat addressing the deficiencies no later than sixty (60) days prior to the next scheduled Planning Commission meeting. Upon review and acceptance of the corrected submission, the application shall be considered officially filed and placed on the agenda. If rejected, the subdivider will be notified as stated above. (Amended by the Board of Supervisors on March 12, 2009.)

Written notice of the filing of a preliminary plat and the meeting date shall be sent to adjacent property owners and the applicant no later than seven (7) days after the submission is officially filed. In no case shall notification be sent less than fourteen (14) days before the Planning Commission meeting. Notice sent to the last known address of such owner(s) as shown on the current real estate tax assessment book shall be deemed adequate compliance with the requirements. The provision of notice shall be the responsibility of the Office of Community Development and Zoning. A list of adjacent property owners shall be provided by the applicant.

Failure to notify the applicant within the specified time shall result in the application being considered officially filed. Failure to notify the adjacent property owners within the specified time period shall result in an automatic tabling and re-notification of the filing.

9-5 Preliminary Plan Requirements (Amended by the Board of Supervisors on June 12, 2014.)

The following shall be included with the submission of a preliminary subdivision plan, revision, or resubdivision for consideration by the Planning Commission unless waived or modified by the Agent. The Agent may waive or modify any of these submission requirements upon request by the applicant and upon a finding by the Agent that the item waived is not needed for the specific application or that the modification serves the purpose of this Ordinance to at least an equivalent degree.

- A) Deleted.
- B) A preliminary plat shall be prepared on one or more sheets not exceeding 24" x 36" in size. The plan shall be prepared at a scale not greater than one (1) inch to one hundred (100) feet. Such plans shall be prepared, signed in black ink and sealed (on each sheet) by a person or firm licensed in Virginia to prepare such plans. Where more than one sheet is required, a composite plan at a scale of not less than one (1) inch to three hundred (300) feet shall be submitted. The plat(s) shall contain the following:
 - 1) The title under which the subdivision is proposed to be recorded. Names proposed for subdivision which are identical to or of such similar nature as to be confusing with the names of previously recorded subdivisions, incorporated towns, and unincorporated areas of the County shall be prohibited.

- 2) Name and address of the owner(s) and contract owner(s). If the property is under contract, the contract owner shall submit either a complete copy of the contract or an affidavit of the owner consenting to the submission of the application for subdivision.
- 3) Name, address, and telephone number of the person or firm that prepared the plat.
- 4) Name of the holder(s) of any easement.
- 5) Magisterial District.
- 6) Date of plan preparation.
- 7) Sheet numbers, sheet index and match lines and scale.
- 8) North Arrow: If true north is used, the method of determination must be shown.
- 9) Boundary survey at 1/10000 accuracy. All corners shall be identified.
- 10) A vicinity sketch map with North Arrow, at a scale of one (1) inch to two thousand (2000) feet showing the relationship of the proposed subdivision to the adjoining property. The map shall show within a minimum of a one (1) mile radius all adjoining roads, their names and numbers, town and/or county boundaries and subdivisions, and other landmarks.
- 11) A topographic map with a contour interval of not greater than five (5) feet compiled by either accepted field or photogrammatic methods and tied to U.S.G.S. Datum showing all the area covered by the subdivision. Interpolation or enlargements of U.S.G.S. contours shall not be accepted. The topographic map shall meet all applicable State and local accuracy standards. The source of the topography shall be identified. The five-foot contour interval requirement may be waived by the agent for lots greater than five acres in size.
- 12) The location, dimensions, width, and names of all existing or platted streets and alleys within or adjacent to the subdivision, easements, railroad rights-of-way, and land lot lines, total acreage in each use, both proposed and existing, including utilities and water courses and their names. Location of existing buildings within the proposed subdivision.
- 13) Location, number, dimensions and area (square feet or acres) of proposed and existing lots, and water bodies.

- 14) All parcels of land intended to be dedicated or reserved for public use with appropriate areas (square feet or acres) shown.
- 15) Areas shown in the Comprehensive Plan as proposed sites for schools, parks, or other public uses, which are located wholly or in part within the land being subdivided.
- 16) Preliminary plans indicating the provision/layout for all utilities, including but not limited to, water supply, sewage disposal, BMP's, stormwater management facilities as outlined in the Fauquier County Design Standards Manual, and a Testing Proposal for the water supply meeting the requirements of Section 18-1(B) if required by Section 18-1(A) of this Ordinance. (Amended by the Board of Supervisors on July 12, 2012)
- 17) Where the subdivision is served by individual sewage disposal system(s), 2 copies of the plans and specifications for the individual sewage disposal system(s) shall be included with the first submission of the Preliminary Plat. The plans and specifications must meet all requirements for a subdivision approval submission (Virginia Department of Health *Sewage Handling and Disposal Regulations* 12 VAC 5-610-360, GMP 126B, and 17-6.3 of the Fauquier County Code). The Onsite Soil Evaluator/Certified Professional Soil Scientist (OSE/CPSS) shall seal, with both seals, and sign the certification block in 17-6.3A of the Fauquier County Code on the Preliminary Plan sheet showing the individual sewage disposal system(s). Individual sewage disposal system(s) shall receive a level 2 evaluation by Health Department and County Soil Scientist Office staff, in conjunction with the OSE/CPSS, prior to approval of the preliminary plat.
- 18) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
- 19) The zoning classification and proposed use for the parcel(s) being subdivided.
- 20) Total acreage of the parcel. If more than one zoning classification, the acreage in each zoning classification shall also be provided.
- 21) Floodplain and floodway boundaries of one hundred year floodplain as shown on the FEMA Flood Insurance Rate Map, in effect at the time of submission, or an acceptable engineering study.
- 22) A drawing of the appropriate tax map scale on a sheet not larger than 24" x 36" containing the following information from tax records:

- a) property lines
 - b) adjoining property lines
 - c) names and addresses of adjacent property owners.
- 23) Parcel Identification Number(s) of the property proposed for subdivision.
 - 24) Typical road sections and functional classifications as approved by VDOT.
 - 25) Projected traffic volume in accordance with Section 301.B of Chapter 3 of the Fauquier County Design Standards Manual. (Amended by the Board of Supervisors on May 8, 2008.)
 - 26) Existing and proposed water usage and anticipated sewage flows in gallons per day where applicable.
 - 27) Offsite drainage map from U.S.G.S. quads at a scale of 1":2000' or less showing location of property and all drainage divides.
 - 28) Existing and proposed sanitary sewer, storm sewer, waterlines, and fire hydrants.
 - 29) Location of any existing or proposed bridges. Location of any proposed major culverts, SWM and BMP facilities as outlined in the Fauquier County Design Standards Manual.
 - 30) Proposed areas of common or non-common open space and acreage, including open space calculations and demonstration of appropriateness of location of proposed open space pursuant to Zoning Ordinance Sections 2-309, 2-406 and 2-704.
 - 31) Note on the preliminary plat as to conditions and date of approval of rezoning or special exception and file number. Include copy of approved special exception plat and/or concept development plan as a sheet in the preliminary plat.
 - 32) A signed statement by the present owner authorizing appropriate County and State personnel permission to enter the property for purposes of evaluating the subdivision proposal.
 - 33) The engineer/surveyor shall certify that the above requirements have been met and the plat meets all applicable State and local standards to the best of his/her knowledge.

- 34) US Army Corps of Engineers Jurisdictional Determination pursuant to Section 4-32.
- 35) Location of any mapped dam break inundation zone required by Section 10.1-606.2 of the Code of Virginia. (Adopted by the Board of Supervisors on July 9, 2009.)

C) Preliminary Soil Report:

This report is to be prepared by a Professional Soil Scientist. The Soil Scientist must have the education and/or experience to meet eligibility requirements as a Virginia Certified Professional Soil Scientist (see Chapter 22 of Title 54.1 of the Code of Virginia). Credentials must be available to the County Soil Scientist upon request.

The scope and purpose of this report is reconnaissance in nature. It is intended to serve as a screening mechanism to identify those tracts of land or building sites, or parts thereof, with major soil problems relative to the proposed use. It generally relies heavily on a soil map, with reconnaissance field-work to confirm published soil mapping or actual soil mapping of a tract of land. The soil map shall delineate soil mapping of similar soil/landscape conditions and shall provide use potentials. This information is available from the Interpretive Guide to the Soils of Fauquier County.

The preliminary soil report shall include the following:

- 1) A brief description of the site terrain, bedrock geology and surficial materials, and the field methods and procedures used in preparing the report.
- 2) A soil map, based on the updated Fauquier County Soil Map; superimposed over the development layout, and showing:
 - a) The general location and extent of soil mapping units for the tract and other soil/landscape features, including stone symbols, gullies, rock outcrops, springs, and wet spots symbols.
 - b) General location of all soil borings and backhoe pits borings shall be to six (6) feet in depth unless bedrock or seasonal water tables are encountered at a lesser depth. Boring locations will be used for field verification by the County Soil Scientist. Distribution of borings should assure adequate coverage of soil conditions on the site evaluated. Minimum soil boring densities are: 1 boring/2 acres in tracts less than 100 acres; 1 boring/5 acres for tracts greater than 100 acres.

- c) A certification shall be placed on the map, signed by the Soil Scientist, and stating that "The field work verifying this soil map has been completed by a professional soil scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County".
- 3) Descriptions of mapping units, including slope, drainage, landscape position, parent material, presence of perched or apparent water tables depth of bedrock, and range in characteristics for texture and color. Boring logs, field notes, field/laboratory data shall be included.
 - 4) Narratives of mapping unit potential for proposed use.
 - 5) General recommendations/conclusions, to include but not be limited to:
 - a) soil/rock problems and their extent for proposed uses.
 - b) suitability of soil materials for use as road fill and fill under slabs.
 - c) needs for drainage (foundation/road under drainage).
 - d) occurrence of high shrink-swell materials, if applicable.
 - e) topsoil and vegetative stabilization (lawns and shrubs).
 - f) soil suitability for on-site sewage disposal.
 - g) suitability for agricultural or forestal purposes, if applicable.
 - h) soil suitability for stormwater detention/BMP's.
 - i) need for further geotechnical studies.
 - 6) A certification should be placed in the report, signed by the Soil Scientist, and stating "This report has been written by a Professional Soil Scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County. The Fauquier County Office of Community Development shall be notified in writing of any changes (amendments) to this report.

Signed _____ Dated _____

Based on the findings of the soil report, staff may direct that a more detailed geotechnical study be provided to the County by the applicant prior to final plan, construction plan, or record plat approval. Such a report will be required when structural improvements are proposed on soils with high shrink-swell clays, high water tables, known low-bearing capacities, and areas which have potential geomorphic instability, per the Interpretive

Guide to the Soils of Fauquier County. The geotechnical report shall contain appropriate designs, earthwork specifications, and recommendations for remedial action in problem areas. The report is to be prepared under the directions of, sealed by, a licensed professional engineer licensed in the State of Virginia with experience in geotechnical engineering.

- D) A Traffic Impact Analysis (TIA) or a traffic assessment as per Section 301.B of Chapter 3 of the Fauquier County Design Standards Manual. (Amended by the Board of Supervisors on May 8, 2008.)

9-6 *Planning Commission Decision*

A decision on the preliminary plat shall be rendered by the Commission within sixty (60) days after the official filing unless an extension is agreed to by the applicant. If the approval of any State agency, including but not limited to the Virginia Department of Transportation and the Virginia Department of Health, is required for a feature or features of the preliminary plat, the Commission shall have an additional 45 days from the receipt of all such approvals to act on the plat. When rendering an adverse decision on a preliminary plat, the Commission shall include the specific paragraph(s) of this Ordinance and/or other applicable ordinances with which the subdivider has not complied. After an adverse decision on a preliminary plat by the Planning Commission, a corrected preliminary plat application shall be filed in the Office of Community Development, which addresses the deficiencies noted in the denial. The application and filing process shall be as specified in Sections 9-3 and 9-4 of this Ordinance. The Planning Commission's review of this amended preliminary plat shall only address those items noted as deficiencies in the denial and any changes to the plat that result from addressing the specified deficiencies.

9-7 *Referral to Board*

All preliminary plats approved by the Planning Commission shall be referred to the Board of Supervisors at its next regularly scheduled meeting. The Board of Supervisors, by a majority vote, may consider a preliminary plat at that or its next regularly scheduled meeting. If the Board takes no action on preliminary plat referral, the preliminary plat shall be deemed approved in accordance with the actions of the Planning Commission. The Board shall act on the preliminary plat referral not later than its next regularly scheduled meeting unless the applicant agrees to an extension. The Board may approve, approve with modification, or deny the preliminary plat. Any action by the Board of Supervisors shall be deemed final.

9-8 *Recommendations*

At the time of the hearing before the Commission, the agent shall present to the Commission his recommendations concerning the preliminary plat including, but not limited to, compliance with the applicable Ordinance.

9-9 *Notification of Commissions or Boards Decision*

The subdivider shall be advised as to the recommendations of the Commission or Board of Supervisors, whichever is applicable. Such notification shall be in writing.

9-10 *No Final Approval Guarantee*

The approval of the preliminary plat by the Commission does not guarantee approval of the final plat and plans, unless in substantial compliance with the approved preliminary plat and in full compliance with all applicable County Ordinances and all other applicable regulations. Such approval does not constitute approval or acceptance of the subdivision by the governing body or authorization to proceed with construction or improvements on the subdivision.

9-11 *Expiration*

Once a preliminary subdivision plat is approved it shall be valid for a period of five years, provided the subdivider submits within three (3) years of such approval to the Department of Community Development a final subdivision plat in accordance with this Ordinance. Failure to do so shall render preliminary approval null and void. The Planning Commission may, on written request by the subdivider, grant an extension of this three (3) year filing period. Such request shall be filed with the Department of Community Development no later than fifteen (15) days prior to the expiration of the preliminary plan. Such extension may be granted based on sufficient evidence that preparation of the final plat/construction plans is proceeding with due diligence and that extenuating circumstances have prevented the final plat from being filed. In no case shall an extension be granted for more than one (1) year after the initial three (3) year approval. In no case shall an extension be granted when conditions have changed since the date of approval or when a preliminary plat has expired.

Once an approved final plat for all or a portion of the property of a multiple phase development is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property or for such longer period as the Planning Commission may, at the time of preliminary plat approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. Such longer period shall be specifically set forth as a condition of approval of the preliminary plat. (Amended by the Board of Supervisors on October 9, 2008.)

9-12 *Plans, Profiles, and Specifications*

Following official notification to the subdivider of the Commission's recommendations on the preliminary plat or approval of a commercial or industrial division, the plans, profiles and specifications for all required public or private improvements to be installed shall be prepared by a person or firm licensed in Virginia to prepare such plans in accordance with agency requirements and Section 10-5 of this Ordinance and submitted

to the agent for the governing body. Such plans shall be submitted to the Department of Community Development with distribution of the plans the responsibility of the agent. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, the reason for disapproval shall be sent to the subdivider in writing. The requirements of this Section shall be accomplished during the three (3) year time for preliminary plats as set forth in Section 9-11 of this Ordinance. (Amended by the Board of Supervisors on October 9, 2008.)

9-13 Deleted (Amended by the Board of Supervisors on June 12, 2014.)