



County Building Three
PHONE (804) 693-1224
FAX (804) 693-7037

Department of Planning

6582 Main Street
P. O. Box 329
Gloucester, Virginia 23061

M E M O R A N D U M

TO: Policy File

FROM: Anne Ducey-Ortiz, AICP, Planning Director

SUBJECT: Private Road Construction and Standards for lots created pursuant to Sections 15-31c, 15-3.2, and 15-14.1c

DATE: October 21, 2008, revised April 10, 2010 to include reference to policy for lots created pursuant to 15-14.1., and further revised September 21, 2011 to clarify that site work shall be included in surety estimates and revised May 5, 2015 to remove stone depth requirement.

In August 2006, the subdivision ordinance was revised to include standards for private roads permitted by sections 15-31c and 15-3.2. In order to implement these and other standards for road construction, as well as provide assurance for maintenance, limitation of service to three lots, and final plat provisions, the following information applies:

Road standards include:

- A minimum 20' easement of right-of-way from an existing road in the State Highway system (more width may be required to construct an adequate entrance)
- A driveway within the easement, consisting of (at a minimum):
 - An all-weather surface of rock, stone, or gravel
 - A minimum width of 10'
- The right-of-way shall be maintained by those having a right to use the right-of-way in a condition passable by emergency vehicles at all times
- Passable condition refers to not only the surface but the vertical and horizontal clearance.
- VDOT approval of the entrance design based on VDOT's *Minimum Standards of Entrances to State Highways*
- Any erosion and sediment control measures required to obtain a Land Disturbance Permit from the Environmental Programs Division of Codes Compliance.

Sections 15-31c and 15-3.2 also provide that a note to the effect of these conditions be placed on the face of the final plat and this provision be included in the deeds by which the subdivision is affected.

Therefore, in upholding the intent of the Ordinance and insuring that private roads are constructed under the provisions of sections 15-31c and 15-3.2, the following practices shall be used:

- 1) The plat shall be reviewed by Planning Department staff and determined to be in conformance with the subdivision ordinance.
- 2) **Road Construction:**
 - a) Pursuant to §15-23 & §15-25 of the Ordinance, prior to approval of the plat, the road shall be constructed (*see exception for lots created pursuant to Section 15-14.1 of the Subdivision Ordinance on pages 3 and 4*).
 - b) A "Private Road Construction Land Disturbance Permit Request" form will be signed and provided to the applicant to present in the Codes Compliance office in order to receive the required Land Disturbance Permit.
 - c) Once a LDP is issued and the construction is complete, staff from the Planning and/or Codes Compliance Departments will inspect the completed road for compliance with applicable ordinances.

OR

- 3) **Surety for Improvements:**
 - a) Pursuant to §15-23 & §15-25, a surety can be provided for the cost of the construction of the road. The cost of the road shall be inclusive of all grading, site work, and materials necessary to construct the road. The applicant can submit a contractor's construction bid or a cost estimate for the construction of all improvements necessary, along with the drawing that estimate is based on; the bid or estimate shall contain language to the effect that the total cost is inclusive of all grading, site work, and materials necessary to construct the road. The surety amount will be determined by the Subdivision Agent based on the estimate provided.
 - b) Once a surety amount has been established by the Subdivision Agent, a certified check or an irrevocable letter of credit in the amount approved by the County (after review of the cost estimates) shall be submitted to the Planning Department. Copies of the county's letter of credit (LOC) templates (automatic renewal and annual renewal) are available from the Planning Department or on our website (www.gloucesterva.info/planning/forms.htm).
 - c) Once a LDP is issued and the construction is complete, staff from the Planning and Zoning Division will inspect the completed road for compliance with applicable ordinances. If construction meets all requirements of those ordinances the surety will be released (see item d below).
 - d) The Subdivision Agent will notify the Treasurer to release the surety; as such the citizen/developer will receive a check in the mail from Gloucester County for the amount of the surety within 6 to 8 weeks. (Note: the citizen/developer does not earn interest on these monies)

See separate policy for non-residential lots created pursuant to Section 15-14.1(c) of the Subdivision Ordinance.

Private Road Construction Policy - 15-31c/15-3.2 /15-14.1c

Updated 9/21/11 and 5-5-2015 to remove 3 inch requirement for stone

\\storage\planning\A-team\policy\private road policy for residential lots - updated 5-5-2015.docx