



**PRINCE EDWARD COUNTY  
PLANNING COMMISSION  
March 15, 2016**

**A G E N D A**

- 7:00 p.m.
1. Chairman Townsend will call the March meeting to order.
  2. Approval of the Minutes: January 19, 2016 at 7:00 p.m. 1
  3. Public Hearing-Amendment to the Subdivision Ordinance. 11

Old Business

New Business

Next Meeting: April 19, 2016 at 7:00 p.m.





County of Prince Edward  
Planning Commission  
Agenda Summary

Meeting Date: March 15, 2016  
Item No.: 2  
Department: Planning and Community Development  
Staff Contact: Rob Fowler  
Issue: Approval of Meeting Minutes

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Summary: Attached are draft minutes for review and approval.

Attachments:

1. January 19, 2016 meeting minutes

Motion \_\_\_\_\_  
Second \_\_\_\_\_  
Prengaman \_\_\_\_\_

Mason \_\_\_\_\_  
Townsend \_\_\_\_\_  
Jenkins \_\_\_\_\_

Hunt \_\_\_\_\_  
Gilliam \_\_\_\_\_  
Leatherwood \_\_\_\_\_

Jones \_\_\_\_\_  
Watson \_\_\_\_\_  
Peery \_\_\_\_\_



**Prince Edward County Planning Commission  
Meeting Minutes  
January 19, 2016  
7:00 pm**

Members Present:     John Townsend, Chairman                             Chris Mason, Vice Chairman  
                              Preston L. Hunt   Mark Jenkins  
                              Robert “Bobby” Jones                                     Jack Leatherwood  
                              John “Jack” W. Peery, Jr.                                     John Prengaman  
                              Cannon Watson

Absent:                     Donald Gilliam

Staff Present:            Rob Fowler, Director of Planning & Community Development

Mr. Rob Fowler, Director of Planning & Community Development, called the January 19, 2016 meeting to order at 7:00 p.m.

**Election of Chairman**

Mr. Fowler called for nominations for the position of Chairman. Commissioner Jones nominated Commissioner Townsend. Mr. Fowler called for any additional nominations. There being none, he closed the nominations. Mr. Fowler called for the vote for Commissioner Townsend as Chairman. The motion carried:

Aye:           Preston C. Hunt                             Nay:   (None)           Abstain: John Townsend, III  
                  Mark Jenkins  
                  Robert M. Jones  
                  Clifford Jack Leatherwood  
                  Chris Mason  
                  John “Jack” W. Peery, Jr.  
                  John Prengaman  
                  Cannon Watson

Absent:       Donald Gilliam

Mr. Fowler turned the meeting over to Chairman Townsend.

**Election of Vice-Chairman**

Chairman Townsend called for nominations for the position of Vice-Chairman. Commissioner Jones nominated Commissioner Mason. Mr. Fowler called for any additional nominations; there being none, he called for the vote for Commissioner Mason as Vice-Chairman. The motion carried:

Aye:	Preston C. Hunt	Nay:	(None)	Abstain:	Chris Mason
	Mark Jenkins				
	Robert M. Jones				
	Clifford Jack Leatherwood				
	John "Jack" W. Peery, Jr.				
	John Prengaman				
	John Townsend, III				
	Cannon Watson				
Absent:	Donald Gilliam				

**Set Day, Time and Place of Regular Meetings**

Chairman Townsend called for suggestions for regular meetings.

Chairman Jones made a motion to hold the regular Planning Commission meetings on the third Tuesday of the month at 7:00 p.m., seconded by Commissioner Peery. The motion carried:

Aye:	Preston C. Hunt	Nay:	(None)
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	John Townsend, III		
	Cannon Watson		
Absent:	Donald Gilliam		

**Adoption of Commission Bylaws**

Chairman Townsend emphasized Section 16 of the By-Laws, regarding the Certified Planning Commissioner's Training Program; he strongly encouraged the members to attend.

Commissioner Jones made a motion, seconded by Commissioner Peery, to adopt the Bylaws with the amendment in the time of the meetings at 7:00 p.m.; the motion carried:

Aye: Preston C. Hunt  
Mark Jenkins  
Robert M. Jones  
Clifford Jack Leatherwood  
Chris Mason  
John "Jack" W. Peery, Jr.  
John Prengaman  
John Townsend, III  
Cannon Watson  
Absent: Donald Gilliam  
Nay: (None)

**Bylaws Of  
Prince Edward County Planning Commission**

- 1) Meetings shall be held on a monthly basis, normally on the third Tuesday of the month at 7:00 P.M. in the Board of Supervisor's room. The schedule may be altered at any regularly scheduled meeting. Meetings may be cancelled due to lack of business, but the Commission shall meet at least every two months.
- 2) Additional meetings may be held at any time upon the call of the chairman, or by a majority of the members of the commission, or upon request of the Board of Supervisors following at least twenty-four hours' notice to each member of the commission.
- 3) The commission at its regular meeting in January of each year shall elect a chairman and vice-chairman. The recording secretary shall be the Director of Planning and Community Development or a designated alternate, who shall make an audiotape of the proceedings of each meeting and prepare minutes for the permanent records of the commission.
- 4) The duties and powers of the officers of the planning commission shall be as follows:
  - A. Chairman
    - Preside at all meetings of the commission.
    - Call special meetings of the commission in accordance with the bylaws.
    - Sign documents of the commission.
    - See that all actions of the commission are properly taken.
  - B. Vice-Chairman

During the absence, disability, or disqualification of the chairman, the vice-chairman shall exercise or perform all duties and be subject to all the responsibilities of the chairman.

- C. Recording Secretary
  - Prepare an audiotape of the proceedings of each meeting of the commission.
  - Prepare minutes from the audiotape of each meeting in detail sufficient to include the tenor of public comments and the commission's reasoning underlying each decision or recommendation.

- Circulate a copy of the minutes to each member of the commission before the next meeting.
  - Prepare the agenda for all commission meetings.
  - Be custodian of commission records.
  - Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
  - Handle funds allocated to the commission in accordance with its directives, state law, and county ordinances.
  - Sign official documents of the commission.
- 5) All maps, plats, site plans, and other materials submitted to the commission shall be filed in the office of the Director of Planning and Community Development and maintained for public access until the project to which they relate has been completed or vacated. Minutes of the commission's meetings shall be permanently filed in the office of the planner and maintained for public access.
- 6) Matters referred to the commission by the Board of Supervisors shall be placed on the calendar for consideration and possible action at the first meeting of the commission after the referral and appropriate public notification.
- 7) A majority of the members of the commission shall constitute a quorum for the transaction of business, but no quorum shall be required for informational meetings at which no action is to be taken.
- 8) Reconsideration of any decision of the commission may be taken when the interested party for such reconsideration makes a showing satisfactory to the chairman that, without fault or deliberate omission on his own part, essential facts were not presented to the chairman.
- 9) Roberts Rules of Order for Committees shall govern the commission's proceedings in all cases not specifically ordered by these bylaws.
- 10) Order of consideration of agenda items in a public hearing:
- Director of Planning and Community Development or other staff member presents report including summary of all comments (written, electronic and verbal) received from interested parties and makes a recommendation.
  - Commission members may question the staff member on the presentation.
  - Proponent(s) of the agenda item make presentations as appropriate.
  - Opponent(s) of the agenda item make presentations as appropriate.
  - Applicant make rebuttal of objections not previously covered.
  - Commission members may question applicant, proponents, or opponents or may offer comments on the agenda item.
  - Commission may opt to gather additional information about the matter and take action at a future meeting, or vote on recommendation, whether approving or denying request, to Board of Supervisors.
- 11) Any member of the commission who has any personal or financial interest in any matter before the commission shall declare the nature of that interest and shall if the interest constitutes a legal conflict of interest by Virginia law recuse him/herself from the deliberations on that matter, including lobbying other members, participating in the

discussions, or voting on the matter. In cases where the interests do not raise to the level of legal conflict of interest by Virginia law, a member may voluntarily recuse him/herself in the interest of avoiding the appearance of conflict. All commission members shall be sensitive to the importance of impartiality and shall endeavor to always avoid any actual or appearance of conflict of interest.

- 12) Each member of the commission who has knowledge that he/she will be unable to attend a scheduled meeting of the commission shall notify the County Administrator's office at the earliest opportunity. The Director of Planning and Community Development shall notify the chairman if projected absences will produce a lack of quorum. Members who are absent from three consecutive meetings, or who are absent from more than half of the commission's meetings during a calendar year, will be referred to the Prince Edward County Board of Supervisors for possible replacement.
- 13) The vice-chairman shall succeed the chairman if he vacates his office before his term is completed. A new vice-chairman shall be elected at the next regular meeting.
- 14) These bylaws may be recommended for amendment at any meeting having a quorum present by a majority vote, provided that notice of such proposed amendment has been given to each member in writing at least two weeks prior to its consideration. If recommended for approval, proposed amendments must then be adopted by the Board of Supervisors before becoming effective.
- 15) Planning Commission members are strongly encouraged to attend a Virginia Certified Planning Commissioner's Training Program within two years of their appointment to the Planning Commission. This certification course will provide a basic foundation of planning law, history, and technical expertise needed by planning commissioners to maximize their competency and ability to render legally defensible decisions and recommendations. Costs associated with the program will normally be paid by Prince Edward County.

**Approval of Minutes: December 15, 2015:**

Chairman Townsend requested any changes or corrections be made known. Chairman Townsend stated a correction regarding the Public Hearing title had previously been reported.

Chairman Townsend made a motion, seconded by Commissioner Peery, to approve the December 15, 2015 minutes with corrections; the motion carried:

Aye:	Preston C. Hunt	Nay:	(None)
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	John Townsend, III		
	Cannon Watson		
Absent:	Donald Gilliam		



**In Re: Public Hearing – Special Use Permit – Frank & Mary Lacey**

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to considering a request for a Special Use Permit by Frank and Mary Lacey for a Special Use Permit to operate a Bed and Breakfast located at 665 Dry Bridge Road on property identified as Tax Map Parcel 021-8-3. This is an A-1, Agricultural Conservation District. Notice of this public hearing was advertised according to law in the Friday, January 8, 2016 and Friday, January 15, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Chairman Townsend opened the public hearing.

Mr. Rob Fowler, Director of Planning and Community Development, stated the County received a Special Use Permit application to permit the operation of a two room Bed and Breakfast in an existing detached single-family residence located at 665 Dry Bridge Road on Tax Map Parcel 021-8-3, owned by Frank and Mary Lacey. The property is approximately six acres; no exterior improvements are planned and there is parking on-site. The property is presently zoned A-1, Agricultural Conservation, and this zoning classification permits a Bed and Breakfast by Special Use Permit.

Mr. Frank Lacey described his property and stated it is close to the High Bridge Trail. Mrs. Lacey stated there are several bedroom suites in the home and a barn is available for horses.

Commissioner Peery asked if there is access to the [High Bridge] Trail from the house. Mrs. Lacey said the access is about two doors down. Mr. Lacey added access is along Hard Times Road.

Mrs. Lacey stated advertisement for the Bed and Breakfast would be done with flyers and word of mouth, Facebook, on Airbnb. She said they are not looking for occupancy every night. She stated it's ready to open; some inquiries have already been made. Mrs. Lacey stated they may put a small sign up that says "High Bridge Trail B & B" and presented an example. Discussion followed.

Commissioner Leatherwood questioned if the home has been inspected. Mr. Fowler stated they would be required to obtain a building permit application for the Building Official to inspect for compliance; that is the only approval other than the Planning Commission and the Board of Supervisors that would be required.

Mr. Lacey added that it is handicapped accessible.

There being no one further wishing to speak, Chairman Townsend closed the public hearing.

Mr. Fowler stated there has been no opposition.

Chairman Townsend made a motion, seconded by Commissioner Prengaman, to approve for recommendation to the Board of Supervisors the application for Special Use Permit for the Bed and Breakfast located at 665 Dry Bridge Road on Tax Map Parcel 021-8-3, owned by Frank and Mary Lacey; the motion carried:

Aye: Preston C. Hunt  
Mark Jenkins  
Robert M. Jones  
Clifford Jack Leatherwood  
Chris Mason  
John "Jack" W. Peery, Jr.  
John Prengaman  
John Townsend, III  
Cannon Watson  
Absent: Donald Gilliam  
Nay: (None)

**In Re: Proposed Zoning Amendment**

Chairman Townsend said this is the time and date advertised for a Public Hearing to receive citizen input prior to considering a Special Use process for Day Care Centers in R-2 (General Residential) Districts. Notice of this public hearing was advertised according to law in the Friday, January 8, 2016 and Friday, January 15, 2016 editions of THE FARMVILLE HERALD, a newspaper published in the County of Prince Edward.

Chairman Townsend opened the public hearing.

Mr. Fowler stated Prince Edward County staff was contacted regarding the process to establish a Day Care Center located in an R-2, General Residential District.

Currently, the Prince Edward County Zoning Ordinance only permits Day Care Centers as a permitted use in the C-1, General Commercial District, the A-1 Agricultural Conservation District, and the A-2 Agricultural Residential District.

Staff is proposing an amendment to R-2, General Residential Districts to permit the operation of Day Care Centers by obtaining a Special Use Permit. These facilities would be required to have a design professional establish occupancy limits as well as requiring licensure and inspection by the Virginia Department of Social Services.

The current zoning ordinance does provide a definition for Day Care Centers and staff does not propose any changes.

Mr. Fowler stated the approval from Social Services and other licensing would still be required, but this would be another option for people in the R-2 districts, churches, and civic groups.

Chairman Townsend questioned if the interested person is looking for a day care center. Mr. Fowler stated they are, it would not be occupied by them; they would operate the property as a day care center, which takes it from Residential Child Care and puts it into Commercial classification by the definition in the current zoning ordinance.

Chairman Townsend questioned the number of children in the Day Home classification; Mr. Fowler said the state would permit 20 children; those are owner occupied. A Day Care center is a location that doesn't have occupancy. Mr. Fowler added that the Special Use Permit allows the Commission to decide as each application is evaluated based on the property; some may not be suitable. Discussion followed regarding VDOT entrances to the property and other property specifics.

Commissioner Hunt questioned if this pertains to a specific property. Mr. Fowler stated the client is researching a property on Back Hampden Sydney Road to see if it is feasible to pursue. Commissioner Jones asked if this is a pre-existing home. Mr. Fowler stated it could be or it could be a vacant lot that someone wants to build.

Mr. Fowler stated that if the client was to pursue this home, it would be changed from a Residential classification in the Building Code to a different use, which would then require an architect or design professional to set the occupancy load and state any Code updates that would have to be done prior to obtaining the license from Social Services to operate.

Chairman Townsend asked if any inquiries have been received regarding this topic; Mr. Fowler said there were none.

There being no one further wishing to speak, Chairman Townsend closed the public hearing.

Chairman Townsend made a motion, seconded by Commissioner Leatherwood, to approve for recommendation to the Board of Supervisors the addition of the R-2 designation to provide for a Special Use Permit to allow for Day Care Centers; the motion carried:

Aye:	Preston C. Hunt	Nay:	(None)
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	John Townsend, III		
	Cannon Watson		
Absent:	Donald Gilliam		

### **Old Business**

Chairman Townsend questioned the subdivision being discussed at the Board of Supervisors meeting in January; Mr. Fowler stated it will be taken to the Board of Supervisors next month.

Commissioner Mason asked about the Tharpe compliance. Mr. Fowler stated that Mr. Tharpe has agreed to come into compliance.

Commissioner Prengaman stated VDOT had three proposals for road changes within the County and asked if any were approved. Mr. Fowler stated word has been received from the Governor's office that they met and Prince Edward County scored three on the 4, 38 and 77. Mr. Fowler stated the VDOT representative will likely go through additional information and lobby; the final decision is approximately five months away.

Chairman Townsend stated Dr. Stephenson Bynum put up the radio station tower in Rice and is also interested in putting up a television station.

**New Business**

(None)

Chairman Townsend made a motion and adopted by the following unanimous vote:

Aye:	Preston C. Hunt	Nay:	(None)
	Mark Jenkins		
	Robert M. Jones		
	Clifford Jack Leatherwood		
	Chris Mason		
	John "Jack" W. Peery, Jr.		
	John Prengaman		
	John Townsend, III		
	Cannon Watson		
Absent:	Donald Gilliam		

the meeting was adjourned at 7:21 p.m.

**Next Meeting: February 16, 2016**



**County of Prince Edward  
Planning Commission  
Agenda Summary**

**Meeting Date:** March 15, 2016  
**Item No.:** 3  
**Department:** Planning and Community Development  
**Staff Contact:** Rob Fowler  
**Issue:** Proposed Subdivision Amendment

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**Summary:**

After reviewing Section 4 General Regulations of the current Subdivision Ordinance, staff recommends amending Section 4-4 dealing with Improvements to provide:

1. Additional measures to ensure better developments of streets, roads and entrances.
2. To ensure that developers comply with the current Virginia Department of Transportation’s (VDOT) secondary street acceptance requirements and pavement guidelines.
3. Address bonding requirements to ensure they are developed and completed as approved by the County.

**Attachments:**

1. Public Hearing Notice
2. Proposed Amendment

Motion \_\_\_\_\_  
Second \_\_\_\_\_  
Prengaman \_\_\_\_\_

Mason \_\_\_\_\_  
Townsend \_\_\_\_\_  
Jenkins \_\_\_\_\_

Hunt \_\_\_\_\_  
Gilliam \_\_\_\_\_  
Leatherwood \_\_\_\_\_

Jones \_\_\_\_\_  
Watson \_\_\_\_\_  
Peery \_\_\_\_\_



March 1, 2016

**Please publish the following public hearing notice in THE FARMVILLE HERALD on Friday, March 4, 2016 and Friday, March 11, 2016**



### **Notice of Public Hearing**

The Prince Edward County Planning Commission will hold a public hearing on Tuesday, March 15, 2016 at 7:00 p.m. in the Board of Supervisors Room located on the 3<sup>rd</sup> floor of the Prince Edward County Courthouse, 111 South Street, Farmville, Virginia, to receive citizen input prior to the Planning Commission making recommendations to the Board of Supervisors on the following:

1. Amend the Subdivision Ordinance regarding Road Improvements and Bonding.

A complete copy of the proposed amendments is available for public review in the office of the Prince Edward County Administrator, 111 South Street, 3<sup>rd</sup> Floor, Farmville, VA, or on the county website at [www.co.prince-edward.va.us](http://www.co.prince-edward.va.us). It is the County's intent to comply with the Americans with Disabilities Act. Should you need special accommodations, please contact W. W. Bartlett, County Administrator at 434-392-8837.

By Order of the Board of Supervisors  
of Prince Edward County, Virginia

**Sec: 4-4 Acceptance of dedication to public use: bonding.**

- (a) The act of approval and recordation of a subdivision plat shall be acceptance of dedication for public use of any right of way located within any subdivision which is constructed or proposed to be constructed within the subdivision or section thereof, subject to the exceptions set forth in §4-4 of this Code.
- (b) (1) Any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the County, the Commonwealth, or other public agency, and other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities, financed or to be financed in whole or in part by private funds shall be accepted only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities, and the contractor's bond with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's irrevocable letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the County and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed twenty-five percent of the estimated construction costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section, subject to the following conditions:
- 1. No more than 60 percent of the building permits in any recorded section of a subdivision shall be issued until the first layer of asphalt concrete on all streets in that section has been completed.**
  - 2. Except as provided in subparagraph (3) below, no more than 90 percent of the building permits in any section of a subdivision shall be issued until the streets have been constructed to state standards and accepted into the state system.**
  - 3. An extension may be approved by the County Administrator to conditions one and two. The subdivider or its successor or assigns requesting an extension may appeal the County Administrator's decision to the Board of Supervisors which shall render a decision upon the appeal within two months after the date of the Board's first hearing on the matter unless the subdivider consents to action beyond such time or withdraws his appeal.**
  - 4. Upon written request by the subdivider, the administrator may approve surety reductions in a cumulative amount of not more than 90 percent of the total cost of satisfactorily completed improvements and may approve further surety reductions, as appropriate, based upon the percentage of satisfactorily completed improvements. Surety reductions may not occur before the completion of at least 30 percent of the improvements.**

Upon final completion and acceptance of said improvements in residential or residential townhouse subdivisions with streets, the release of any remaining surety shall be subject to the requirements of Section 4-4. For the purpose of final release, the term “acceptance” shall be defined as the date the board of supervisors meeting at which the board adopts the resolution requesting the street acceptance into the VDOT state system for street maintenance.

### **Construction Requirements:**

All subdivision streets or roads shall also be constructed in accordance with the current Virginia Department of Transportation’s (VDOT) secondary street acceptance requirements and the pavement design guide and any other VDOT requirements that apply to secondary streets.

Such standards and guidelines address, among other things, the location, number, spacing and design of entrances, median openings, turn lanes, street intersections, traffic signal, and interchanges. When the state regulations and this ordinance are in conflict, the more stringent of the two shall apply.

Street or road construction shall commence no later than the time of issuance of the first building permit for a lot located on such streets or roads. Within twelve (12) months of issuance date the street or road shall be built and maintained to the minimum standard of the VDOT Pavement Design Guide for Subdivision and Secondary Roads prior to completion of the base coat per the engineers approved design. Additional construction requirements can be found in section 4-4 above. Construction of the street or road shall be inclusive of its entire length from point of connection with an existing VDOT street or road. Interior streets or roads adjoining the first street or road shall meet the same criteria.

If the deadlines required by this section are not met, the Administrator shall be authorized to (i) deny or suspend the final approval of any building permits for lots in the subdivision applied for by the subdivider or its successor or assigns and initiate such actions as may be appropriate to use the financial guarantee provided under Section 4 to complete such streets or roads in accordance with VDOT standards, until such time as the subdivider is in compliance with this section.

Upon final completion and acceptance of said improvements in residential or residential townhouse subdivisions with streets, the release of any remaining surety shall be subject to the requirements of Section 4-4. For the purpose of final release, the term “acceptance” shall be defined as the date the board of supervisors meeting at which the board adopts the resolution requesting the street acceptance into the VDOT state system for street maintenance.



- (b) (2) If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction to the facilities to be dedicated within said section for public use and maintained by the County, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development subject to the terms and conditions of this ordinance and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. If the governing body has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then the subdivider or developer shall be required to furnish the County with a maintenance and indemnifying bond, commercial or County, with surety satisfactory to the governing body, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the governing body may accept a bank or savings institution's irrevocable letter of credit on certain designated funds satisfactory to the governing body as to the bank or savings institution, the amount and the form or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.
- (c) In the case of harvesting and reforestation of a tract of timber, if an easement for ingress and egress to and from the tract of timber is clearly designated on a plat showing such way, then the provisions of the foregoing paragraph of this section shall not apply provided that the final subdivision plat submitted for approval to the Planning Commission, or Agent, as the case may be, shall bear the notation, "The easement of way shown hereon is for ingress and egress for the purposes of harvesting and reforestation only, and shall not be considered to be a dedicated way and shall, upon the completion of harvesting and reforestation be deemed to be extinguished by operation of law."
- (d) Notwithstanding the provisions of paragraph (b)(2) of this section, provided the developer and the governing body have agreed upon the delineation of sections within a proposed development, the developer shall not be required to furnish to the governing body a certified check, cash escrow, bond or letter of credit in the amount of the estimated cost of construction of facilities to be dedicated for public use within each section of the development until such time as construction plans are submitted for the section in which such facilities are to be located.