

STAFFORD COUNTY PLANNING COMMISSION
Special Meeting
October 6, 2009

The Joint Public Hearing of the Stafford County Board of Supervisors and Planning Commission of Tuesday, October 6, 2009, was called to order at 7:14 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Fields, Di Peppe, Rhodes, Mitchell, Carlone, Howard and Kirkman

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Zuraf and Hess

DECLARATIONS OF DISQUALIFICATION

None

JOINT PUBLIC HEARING WITH THE BOARD OF SUPERVISORS:

1. AMENDMENTS TO THE COMPREHENSIVE PLAN - A proposal to adopt the proposed Stafford County Comprehensive Plan, 2009 - 2028, as an amendment to the existing Comprehensive Plan in accordance with Section 15.2-2229 of the Code of Virginia (1950), as amended. The proposed amendments include a new textual document entitled "Stafford County, Virginia, Comprehensive Plan 2009-2028." The proposed amendments also include a new Land Use Map, dated May 19, 2009. The proposed amendments would repeal the current Land Use Plan component of the Comprehensive Plan, including the text of that component, as amended, and the current Land Use Map component, as amended. The proposed amendments, if adopted, would not amend any element of the Plan other than the Land Use Plan and the Land Use Map.

Mr. Schwartz: We will now have the presentation by Mr. Harvey.

Mr. Harvey: Thank you Mr. Chairman, Board members and Planning Commissioners. It is my pleasure to make the presentation for the Amendment to the Comprehensive Plan. May I have the computer please? The proposal at hand tonight is whether or not to adopt essentially a new Comprehensive Plan. The current plan is mainly known as a land use plan, it includes text and a map, but also there are a number of other components within our Comprehensive Plan. However, there is no overall guiding document to put it all together. So this is an attempt to have that overriding consistent document. This plan will include a new Land Use Map which establishes the vision for the future of the County where certain businesses may locate residential activities, institutional activities. It serves for a framework for harmonious development for the future and it will also be that unifying document to bring in all of our aspects such as water and sewer, transportation, schools, all those infrastructure issues to try to work them in together in harmony. Some of the key issues as the Chairman mentioned is we are going to consider repealing the current Land Use Plan and Map. It has been around since 1988 with various modifications. The State Code requires us to look at a plan for a twenty year time horizon and every five years we evaluate the plan. Our plan has gone through a number of re-evaluations over the years; the latest amendment took place in August of last year when we amended the Urban Service Area boundary for a portion of the Widewater area. So, again, this will be more or less an overall view of the Comprehensive Plan. In tonight's presentation, I am going to do the background information, Mike Zuraf will be presenting the goals, policies and land use issues, Joey Hess will handle public costs of growth and existing conditions, and I will handle the conclusion. We have a number of staff available

Planning Commission Minutes
October 6, 2009

here to answer any questions that you may have. We also have the Land Use Map available to zoom in or zoom out as the Board may need for individual areas. Some more background with the Comprehensive Plan; it is a guide for development. It is a policy document that the Board of Supervisors will adopt to guide their decision-making process in the future of the County. It is a forward-thinking document; as I said, it reaches out for twenty years. It takes a look at population projections, it takes a look at household size, potential business growth and establishes where those activities can occur and makes recommendations for how they should occur. It is your basis for your capital improvements plan which is the mechanism for which the County establishes where it wants to place its public infrastructure, the timing and costs. It is an evaluation tool. We can use the Comprehensive Plan to see how well we are monitoring the progress towards the policies in the plan, as well as seeing how well we are doing overall as a County government. The Plan will be evaluated periodically throughout the process. As I have mentioned, that is the five year update process, but also there are other timelines and recommendations in the Plan for further evaluation to make sure that we are indeed on track. The Comprehensive Plan; what is it? Well, again, as I said it is the overall guiding policy for the County. What it is not, it is not a zoning law, it does not rezone peoples' property, it does not change what they can and cannot do on their property, it makes the foundation for what the County may do in the future. The Comprehensive Plan is a policy in its guidance. It takes a while to implement the plan, and over the twenty year time horizon we will look to see how well we are doing. Some recommendations will be adopted, some won't, because the needs of the County changes over time. The process for this Plan update began in April of 2006. The County started off by hiring a consultant and then we had a steering committee that was established from citizenry in the County. Since May of 2007 the Plan has been reviewed with the Planning Commission and the Board of Supervisors. There have been significant public meetings and opportunities for public input. I would hazard to guess that we are probably coming close to a hundred public meetings dealing with this topic. They have been everything from committee meetings to full work sessions that are televised to input sessions with the public and even a survey. In August of this year the Board authorized this joint public hearing, so that is why we are here tonight and moving forward. Some overall philosophies that you can find with the Plan is to encourage infill development and redevelopment, discourage growth in the agricultural areas but acknowledging the by-right zoning that exists, preserving as much agricultural land as possible and that would be through policies to provide incentive for preservation, and phase growth with infrastructure and public services. This Plan departs from previous proposals in that it has a phased Urban Service Area and we will get into that in a little bit in more detail. Also, this Plan reduces the Urban Service Area boundaries due to acknowledgement that the existing zoning can carry objective growth for the next twenty years. Now I will turn it over to Mike for Goals, Objectives and Policies.

Mr. Zuraf: Good evening members of the Board and Planning Commission. Chapter two in the draft Comprehensive Plan document includes all of the Goals, Objectives and Policies. And these goals, objectives and policies, these are a main feature of the Plan. The goals and objectives provide a framework for the physical development of the County. All in all there are nine overall goals, and then you have more detailed objectives, there are forty-five of those, and one hundred eighty-one policies within this chapter. The main goal topics, the nine goal topics, cover a variety of issues related to growth and development and the physical development of the County dealing with sustainability, fiscal responsibility, environment, health, safety and welfare, housing, transportation, economic development, education and heritage resources. I would like to touch on each of these goals and go over those. Goal 1, Sustainability. That goal states that we manage growth and development in a sustainable manner. That would be handled and is further explained with objectives to direct growth into the Urban Services Area, promote infill development, preserve rural and agricultural areas and methods to phase growth to coincide with public infrastructure. Goal 2 under Fiscal Responsibility is to ensure that growth and development is managed in a fiscally responsible manner. Objectives to reach this goal include the

Planning Commission Minutes
October 6, 2009

suggestion that we develop a land use plan that accommodates twenty years of growth without encouraging additional growth beyond that twenty year projection, working to develop a level of service standards in the public facilities plan that would help to identify future public facility needs, and then to help ensure that development pays its share of the cost of growth. Goal 3 under the Environment is to preserve and protect Stafford's natural and environmental resources. Objectives here include preserving and improving the air quality, to prevent and reduce surface and groundwater pollution, protect waterways from land use impacts brought by land use activities in the County, and to conserve and restore tree cover. Goal 4 deals with Health, Safety and Welfare. That goal is to ensure the health, safety and well-being of Stafford County residents. That gets into more detail in the objectives. Some of those objectives are to protect drinking water sources, minimize the development that occurs on unstable soils, minimize potential flood hazard impacts, and then minimize impacts that may be generated by Quantico Marine Corps Base. Goal 5 under Housing is to promote affordable and quality housing. Objectives under this goal include identifying the need for and solutions to create affordable housing in the County and to promote housing opportunities for all income and age ranges. Goal 6 deals with Transportation. This goal is to create an intermodal system of transportation which provides a safe, rapid and affordable means for our people and products to move safely in and through Stafford County. Some of the objectives under this goal include maintaining a safe road system, providing and maintaining a multi-modal transit system and creating better patterns of traffic flow and circulation. Goal 7 under Economic Development is to support the economic vitality of Stafford County through land use policies. Objectives here include establishing targets for commercial and business growth in the County and then establishing land use policies to attract and retain high quality employment options. Goal 8 deals with Education and this goal is to support Stafford County as a community for superior education. And Goal 9 under Heritage Resources is to promote Stafford County's heritage and maintain a sense of place by identifying, protecting, preserving, and interpreting Stafford County's historical and cultural resources. I would like to next kind of touch on some of the key policies that are in this document. The first several policies I am going to point out address some of the ways that this plan deals with growth management. The first policy is that the County establish a clear Urban Service Area boundary. And that is done by, you will see when we get to the land use plan, that the boundary follows parcel lines so people have a clear understanding whether they are in or out of the growth area. The next policy is that the Urban Service Area expansion would be permitted only after demonstrating that no available alternatives would exist in the Urban Service Area for future development. Another key policy would be that water and/or sewer shall only be extended outside of the Urban Service Area to commercially designated land that is identified on the Plan. Currently our current Land Use Plan does allow the extension of water outside the Urban Service Area so in this plan public water would not be extended. It is not recommended to be extended outside of the Urban Service Area. Also, there are additional policies to allow the extension of water and sewer to certain established rural areas. These were identified in previous work sessions where there are certain neighborhoods where the old aging infrastructure is seen as no longer being sustainable or may not be sustainable as we go out into the future. Also, to designate Urban Development Areas by July 1, 2011 that is not within this plan but it is included as a recommendation to pursue that very soon in the near future. Also to develop a Transfer of Development Rights program that would be a system that would have to be established by a future ordinance amendment whereby somebody would be able to sell development rights from a designated sending area and sell those rights usually for a certain number of dwelling units to receiving areas. The sending areas are generally identified in the Plan as being in the rural areas outside of the growth area and the receiving areas are inside the Urban Service Area. And further work would be needed before that program could take affect and further ordinance amendments. Also, the Land Use Plan should also be designed with a capacity to accommodate projected population growth. Some additional policies in this Plan include suggestions to adopt Level of Service standards, Public Facilities Plan and adopt a Financial Impact Model as future elements of the Plan. Also, the County and other policies of the County shall collect Transportation

Planning Commission Minutes
October 6, 2009

Impact Fees. We do that now in certain areas of the County and this policy would reiterate that policy that currently is in affect. Also, that the County should focus road capacity improvements inside the Urban Service Area and improvements outside of the Urban Service Area shall focus on safety improvements. Also, there are policies to recommend and establish a program to monitor surface and groundwater resources, to establish low impact parks and natural areas, to establish an Affordable Housing Taskforce and encourage affordable housing. Affordable housing is encouraged and would be recommended for future Urban Development Areas as we identify those in the future or urban residential areas. Also, the planning does recommend a ten acre residential density within the Military Overlay District. We will get to that; there is a suggested Military Overlay District that is within the land use section. Also, that we update the Cultural Resource Management Plan. Getting to Chapter 3 which is the Land Use Plan, kind of going over some of the key points to the Plan, a lot of the Plan takes into account and is modeled after some of these growth management policies that I spoke of. The big growth management tool that this Plan incorporates and which we currently have and is continued on this Plan is the use of a designated Urban Services Area that is typically the area where the County anticipates most of its public facilities to be located where the higher density commercial and residential development would occur and then where also your public sewer and water lines will be located. The Urban Service Area boundary location has been revised in this Plan from the current boundary and we will get to that as we look at the maps. Also, a new feature of this Land Use Plan from the old one is this incorporates a phased expansion of the Urban Service Area ten years out. It is recommended its 2019 additional areas be designated into the Urban Service Area, included into the Urban Service Area. Also, the Urban Service Area boundaries and the recommended land use within the Plan in most instances follow parcel lines. This was a point that was made early on in the process and a desire to have it on this Plan. Also, there are specific redevelopment areas designated on this Land Use Plan. There are four redevelopment areas identified and those follow along with County efforts that have been undertaken to develop more detailed redevelopment plans. Also, it is mentioned there is recommended Military Overlay District limits and within the agricultural areas of the County outside of the Urban Service Area the Plan recommends lot sizes in these areas remain at their three acre density. Some final points on the Plan is that this future land use inside of the Urban Service Area you will see it generally matches the current zoning that is in place now. There are exceptions to this in several places. Through the center part of the County you have a recommended land use business district. A lot of this area is along Route 1 and around the airport and in the area of Centerport Parkway. Also, there is a new low density suburban residential land use that has been recommended. This would be within the Urban Service Area in the location of where you have many rural residential zoned neighborhoods. Also, you do have designations where there is institutional public land. Those areas are identified as Institutional and then there are park lands identified as well that differs from the zoning. Also, the resource protection area has been identified and added to the Land Use Plan. The resource protection that has been designated basically follows the County's Critical Resource Protection Area limits as part of the Chesapeake Bay Overlay. Also, there are certain commercial corridors that have been designated along Route 1, 610 and Route 17. Initially there were properties identified here where there was residential zoned land right along these commercial corridors and this change was made because it was seen that residential is not the likely future use in these areas so that change was made in several locations. Also, we have the redevelopment areas which differ from underlying zoning. Outside of the Urban Service Area several areas you will have commercial land use recommended where there is commercially zoned land outside of the growth area. Looking at several maps that make up this Land Use Plan, this first map are the proposed Urban Service Area boundaries. The orange hatching would be your initial Urban Services Area that would take affect under the current plan initially. These areas generally follow Interstate 95 and Route 1. They include also the neighborhoods in South Stafford, the more intensely developed neighborhoods in South Stafford around Fredericksburg and then developed lands along Route 17 west of 95 out to Holly Corner Road and Stafford Lakes Village. As you go north, it follows Route 1 and 95 and then heads out Route

Planning Commission Minutes
October 6, 2009

610 and includes the neighborhoods that are existing there. The lighter green areas are the designated Urban Service Area expansion areas which include a lot of properties along Courthouse Road including Embrey Mill. And then to the southern part of the County it does extend out to and includes the Westlake project and then we do have pockets of areas out around Hartwood and then the Roseville Area and Lake Arrowhead and Hidden Lake as outer expansion areas. These additional expansions to the Urban Service Area would require future Board action to expand the Urban Service Area in that recommended year. This next map identifies the recommended redevelopment areas. These four areas that I mentioned before include Boswell's Corner along Route 1, also the Courthouse area which includes land to the east of Route 1 out Courthouse Road and further to the west side of Interstate 95 along Courthouse Road as well. And then we also have the area identified as Southern Gateway. This is the land along Route 17. The majority of this area is to the west of 95 and then some land to the east of 95 along 17 there. And then Falmouth is the fourth redevelopment area that is identified. This next map identifies the suggested Military Overlay District. This encompasses information provided to the County by Quantico officials. The area is made up of two kind of separate areas; the hatched area identifies the range which is called the Range Compatibility Zone. These are areas where aircraft maneuvers occur over the County outside of Quantico. And then the shaded areas in green, blue and red consist of noise contour zones. These go out certain distances from ammunition ranges that are located within Quantico. This is the Land Use Plan. It is figure 3.4 in your document. This is the full map itself and at this scale it is very hard to kind of point out and pick out some of the detail that you have here. We have two maps that zoom in on the northern and southern parts of the County. Looking at the zoomed in version of the map you can see the Urban Service Area is provided and identified with the bold line. This bold line will identify the current new Urban Service Area and then the hatched area would be your Urban Service Area expansion areas that would be recommended. Also, you can see that the general land uses you have the light yellow identifies a lot of the existing residential neighborhoods. This is Suburban Residential land use. The light pink areas identify the commercial corridors along Garrisonville Road and U.S. Route 1. We do have in certain areas within the growth area some agricultural land use that is recommended. One of the goals was to try to preserve as much agricultural land as possible and that did mean designating certain properties as agricultural within the growth area. And the brighter red does identify the redevelopment areas that have been previously mentioned. Resource protection areas are identified in blue; they follow the stream corridors. We do have the institutional and park land. The park land is the darker green designations and institutional are the kind of steel blue designations. You can see those better where you have some high school sites. This is North Stafford, for example, and Mountain View in this location. Another point is land along Courthouse Road west of Interstate 95. Not a lot of this land is identified as being in the Urban Service Area. A lot of it is identified as future expansion of the Urban Service Area. This was done this way because of the feeling that given the traffic on Courthouse Road and the time it may need for Courthouse Road to be expanded to an acceptable roadway to handle all the additional growth in that area, we felt it would be best to identify this area as a future expansion. And outside of the Urban Service Area, the lighter shades of green are the agricultural land uses. The more solid green areas are rural residential land uses where rural residential zoning already exists. Looking at the southern part of the County, one of the things I want to point out here is you can see in purple the business land use. This follows along the area that I mentioned along Route 1 and at the Centerport Parkway interchange. The airport is located here and this business area kind of heads up to the Courthouse redevelopment area. Another feature mentioned was the addition of a low density suburban residential land use inside the Urban Service Area. You can see that clearly with this parcel here; it's the brighter green that is low density suburban residential. Another feature in this Land Use Plan in Chapter 3 is a more detailed residential build-out analysis that we have worked on. This was all generated by our GIS mapping but before I identify the residential build-out in the Plan, I want to point out that the twenty year State projections that kind of went into the development of this Plan, the twenty year State projections come to us from the Virginia Employment Commission

Planning Commission Minutes
October 6, 2009

and the State estimates that that County would add approximately 28,000 new dwelling units over the next twenty years. So that information went into creating this Plan. We also did a separate build-out looking just at the base zoning map and looking at the build-out under the base zoning that anticipated 31,000 new dwelling units and that would be full build-out. And full build-out would be if every single available property could develop to its full potential.

Mr. Milde: Could I ask a question Mr. Chairman? When you say by-right zoning, are you supposing that the land use designation that is proposed is rezoned and then built out?

Mr. Zuraf: No, the by-right zoning is what we have today. It has nothing to do with the Land Use Map. The third bullet point there, the draft land use plan build-out, would be the build-out under this Plan. And that draft Land Use Plan build-out calls for 25,000 new dwelling units over the next... well, that would be full build-out. It is not dealing with time at all. It would be if the County built out to its full potential and, if you break the build-out out, approximately half of the 26,000 units would be inside of the Urban Service Area and half of it would be out. This number is lower than we had in earlier versions. We had Urban Development Areas in earlier versions. Once the County gets into designating Urban Development Areas, that would likely bring the future build-out up over that 25,000 number because...

Mr. Milde: Let me just ask another question. Sorry to keep interrupting but this is very important to me. So, under the draft Land Use Plan full build-out is reduced. But that supposes everyone rezones to the new Comprehensive Land Use Plan. People that have existing by-right zoning for higher density would have to come in and rezone, or we would have to down-zone their properties to see a reduction in lot yield across the County, right?

Mr. Zuraf: Yes. Say if their land was designated business, they would have to rezone to business. But if it is A-1 they could develop...

Mr. Milde: Could I have the screen please, again? Whoever does that.

Mr. Zuraf: Computer please.

Mr. Milde: I think that is important. I do not want anyone to look at this for a second and think that this map that we are working on right now is going to somehow reduce the lot yield in Stafford County. It's not. It would take individual rezonings or mass rezonings which is called a down-zoning. This is just a wish, a hope.

Mr. Zuraf: The Urban Development Areas, in designating those, those areas under State Code have to accommodate ten to twenty years of projected growth. So those Urban Development Areas need to accommodate 14,000 to 28,000 future dwelling units. So, once the County gets into identifying where that additional growth would be located and be most appropriate, that is likely going to push that 25,000 unit build-out number up. Looking at a comparison of the current Land Use Map to the Proposed Map, as mentioned earlier, you do have a smaller Urban Service Area. As a result of the new map certain areas would be removed from the Urban Service Area including areas out Route 3, Kings Highway; those areas were removed. Initially the areas around Westlake would be removed from the Urban Service Area. Those would be added in later under this recommended plan. The Urban Service Area is brought in, tightened in a bit, closer to Route 1 in the center part of the County and parts of the Urban Service Area are removed along Courthouse Road. But also the Urban Service Area recommends the other areas for the future expansion of the Urban Service Area out to the certain rural residential

neighborhoods in the Roseville area and further out as I mentioned before. Also, the new Land Use Map is much more specific. As noted, the land use designations follow parcel lines, they do in many instances match current zoning and because it matches zoning you have many more land use categories that are identified on this Plan. And then also the land use designations are parcel specific and also a difference here is there is more industrial and commercial land use recommended outside of the Urban Service Area but that does basically reflect what is already zoned out in those areas of the County. Now I would like to hand it over to Joey Hess to talk about Chapter 4.

Mr. Hess: Good evening. Chapter 4, Public Costs for Growth. As stated on the power point presentation it is to ensure that the future public facility needs are provided in a fiscally responsible manner and below you will see there are five ways that this can be accomplished, that the Comprehensive Plan identifies. The first one that the public costs for growth can be accomplished is to identify the desirable levels of service. Levels of service are standards or benchmarks by which to measure the quantity or quality of service provided by a government agency. Here in Stafford County we identify levels of service standards for schools, parks and recreation, libraries, fire and rescue, law enforcement, utilities, solid waste management, transportation and stormwater facilities. The second way that this is accomplished is to identify the associated costs of public facilities per residential units. The three residential units are single-family detached, single-family attached and multi-family dwelling units. Table 4.1 shows capital costs per these residential unit types. There is a methodology that goes to calculating those numbers, what those costs are. Staff basically took the proffer policy guideline, used more up to date numbers, more up to date information to calculate those costs and you can see this identified in Appendix A at the back of the Comprehensive Plan. The third way to accomplish this is to identify actions to mitigate public facility costs. The two ways that we currently do this is through proffers and impact fees. Table 4.2 shows the current proffer guideline, the figures once again by each dwelling unit type. These figures were last updated in November of 2007. That is, like I said, on Table 4.2. This section of the Comprehensive Plan more or less gives background information on the generalities of both the proffers and impact fees. They talk about how they function, what they are collected for, how they are collected... you know, this and that. The fourth way is projections of future public facility needs. This is more specifically talking about the need to adopt a public facilities plan. The public facilities plan, there is two different methods that were used, if you look, based on the facility type. In some cases what staff did was we took the existing conditions, meaning the current population and the current public facilities offered and took what was basically being provided. So you would say your current service level being provided, if you were to keep that the same as the population grows, that would be how you determine the facility needs. So, this was the methodology that was used for schools, fire and rescue, and law enforcement. The other way was to set standards; once again, talking about levels of service standards. Regardless of whether the County was meeting them currently or not, you still would meet those standards even though they may not be realistic. You would always shoot for the higher goal. You always shoot for the higher standards; that is the purpose of levels of service. We did this methodology, in particular, with parks and recreation and libraries. Appendix B shows you each of the methodologies or shows you each of the facility types and the methodologies are included in there. Appendix B also shows the charts, also shows locations, site selection and design criteria, so you are also looking at where you want to locate these facilities so that they serve the public to the best that they can serve the public. They also, once again, come with the recommendations of timing and recommendations of when you need these facilities to come online to address those public needs. And then finally is to recommend estimating the financial impacts of growth. You do this through what is called a Financial Impact Model, or FIM. The Financial Impact Model, or FIM, acts as a simplified representation of public revenue and expenditure flows. It estimates how economic land use and population changes affect government expenditures or finances. And then finally we talked about

Planning Commission Minutes
October 6, 2009

needing to construct and adopt... as part of the Comprehensive Plan we need to construct and adopt a FIM.

Mr. Sterling: Mr. Chairman, may I ask a question regarding this? When you are estimating the public costs of growth and you have got in the capital costs, do you look in the operating costs when you look at the different types of residential units that are put in multi-family housing, single-family homes, etcetera, multi-family housing doesn't generate quite as many people but the average cost and tax revenue from multi-family housing is less than what you see from a single-family home, do you factor in that difference in what the annual revenues would be and try to offset that when you are figuring this out?

Mr. Hess: The easiest way to answer this is the way we try to calculate it is operational costs are understandable when a new facility comes online, there are operational costs. The purpose of the fees that we are talking about here when we talk about proffers is to capture the capital costs.

Mr. Sterling: Right. But you have got public schools, obviously you have got teachers, things of this nature, you have got deputies; these are not capital costs, they are ongoing costs and the higher density is going to generate lower revenues per capita and so you are going to be shifting it to single-family homes in that respect. Are you able to capture that at all?

Mr. Hess: The best way to capture it is by looking at what each dwelling unit type, like you said, generates as far as people per the household. So that is the main distinguishing factor between the costs. The impact from a single-family detached home and a multi-family home is that there is less people in a multi-family home.

Mr. Sterling: Do your proffers recognize that or do the proffers just go to capital costs and not take into account what would be a recurring operating cost differential?

Mr. Hess: Yes, they just look at once again the difference is and the number of people in the household and not recognizing that there is a less of an impact from a multi-family home than a single-family detached home. And, again, the proffers are going towards capital, not operational.

Mr. Sterling: Right, but the operating costs on a per capita basis. Okay. In the FIM, I know we had a FIM in an earlier version of this.

Mr. Hess: Correct.

Mr. Sterling: Did you run the model as it applies to this version?

Mr. Hess: You know, I am not really familiar with the FIM as much when it was in there to begin with. That is something that staff needed to go back and look at and figure out how we want to put a FIM together. I know there was a FIM there before. Possibly one of the other staff members can address the FIM.

Mr. Zuraf: It is not based on this latest one.

Mr. Hess: It's not based on this latest one? Okay.

Mr. Sterling: So you have not addressed that.

***Planning Commission Minutes
October 6, 2009***

Mr. Hess: No, we have not.

Mr. Sterling: Okay.

Ms. Kirkman: Mr. Chair? I have a question. But Joey, you did work on that Financial Impact Model with the second subcommittee and I believe that was where the operating costs and the differential levels of revenues by housing type and by commercial versus residential were incorporated to look at sort of what the bottom line was, is that correct?

Mr. Hess: I believe so, yes.

Ms. Kirkman: Thank you.

Mrs. Carlone: Mr. Chair? Joey? Now I understand that the FIM is not now included in this?

Mr. Hess: Correct.

Mrs. Carlone: Why?

Mr. Harvey: Mrs. Carlone, in previous discussions with the Board, the Board felt that the FIM is a good idea; it should be carried through. But in the form it was presented it needed some adjustments so they felt that at the time it was best to not have it in this Plan.

Mrs. Carlone: Jeff, did they say what needed adjustments?

Mr. Harvey: I do not recall the specifics. I know that there were some questions about how it was set up and whether we captured all the right things. So, that was the recommendation was we need to develop a FIM, look at it on an annual basis but, at the present time, not include it in the Plan.

Mrs. Carlone: Okay, thanks.

Mr. Schwartz: Mr. Harvey, did it not call for an annual report?

Mr. Harvey: Yes.

Mr. Sterling: Mr. Chairman, if I might, one of the key elements was the UDA's and the I believe it is 12,000 units that were in the UDA's were removed from the Plan and, therefore, the FIM analysis, as it was, was no longer reflective of this version. But it does call for that annual update. Those UDA's are not there, so...

Mrs. Carlone: Okay. So, you are stating that it was really based on some of the... I just have a problem with that not being in there.

Mr. Hess: Okay, we will move on to the next slide. Chapter 5 is the existing conditions. The chapter provides for the existing characteristics of the community regarding the build-out, the way it regards build-out is it has maps and it has text that describe and show the existing land use, shows the existing zoning as it today. It also provides for population; this is talking about showing current population. There are tables, there are charts that show population trends, it also talks about forecasts of population, number of housing units. As Mr. Zuraf explained earlier, there is a section that shows the future build-

Planning Commission Minutes
October 6, 2009

out under existing zoning as it is today provides for the economy. Certain labels we have in there go over labor force, what existing labor force is, the at place employment, the Comprehensive Economic Strategic Plan, very diverse in that section, go on to talk about the natural environment, excuse me, historical and cultural resources giving background and history to those. There are tables of significant heritage resources in there. The types of services provided, again, community facilities such as schools, fire and rescue stations, etcetera, other public facilities talking about what we currently have as far as inventory. Chapter 5 also talks about the natural environment, our existing natural resources, watersheds and wetlands etcetera. Then finally transportation. Transportation identifies all the road networks; there is a section on roadway management and improvement which includes bus service, rail service and air service. This section again has multiple detailed maps, as mentioned population projections and has a source of existing facility data such as schools, parks and rec, and utilities. And with that I will turn it over to Mr. Harvey.

Mr. Harvey: Thank you. And finally, we get down towards the end of the process here and it comes to the recommendation. Staff supports the adoption of this Plan as proposed. We believe that it is a solid foundation for updating the future growth of the County, it aligns all the existing elements we have in the County from areas such as Transportation, Utilities, Stormwater Management and other vital County services. It helps bring our Comprehensive Plan into compliance with State Code and that we have done our due diligence in updating the Plan. We also have incorporated a number of features that are required by the State Code such as addressing population projections pursuant to the State recommendations, affordable housing has been addressed, and there are a number of other key factors that the State requires us to take a look at. The Planning Commission, in its deliberations, will be considering whether or not to adopt Planning Commission Resolution 09-07. That would be the resolution to recommend this Plan to the Board. The Board in its deliberations will be considering Resolution R09-277 which would adopt this Plan. There is also a grandfather provision within that resolution because it is important to acknowledge that even though the Urban Service Area may be changing and may be shrinking in some areas, there are development projects that have received entitlements through improvements of either zoning changes or approved development plans. Those projects will continue to be developed in accordance with the approved rights that they have previously been granted. As far as future tasks if the Plan is adopted, we will be next tasked with developing an implementation plan specifically looking at the goals, objectives and strategies in the plan and coming up with a timeline in areas of responsibility as to what County agencies shall be the main point of contact, when we think we can accomplish these things, short term, long term or mid term. The staff will be charged with presenting a draft proposal to the Planning Commission within sixty days of approval of this plan. From there the Planning Commission will review that and make further recommendations to the Board. Another key thing Mike had mentioned previously in the presentation is that the Board of Supervisors will need to consider looking at the issue of urban development areas. We have until July 1st of 2011 to have one in place. I will be happy to answer any further questions you may have.

Mr. Schwartz: The questions now can be asked by either members of the Board of Supervisors or the Planning Commission and please be recognized; there are fourteen of us. Following the questions and questions only process we will proceed to the public hearings. Mr. Fields then Mr. Milde then Mr. Brito.

Mr. Fields: Mr. Harvey, I respect everybody's time. I would like you, if you could take a brief moment before we open the public hearing, just to reiterate the issue of, because I received several emails from individuals in different parts of the County with different variations of the same concern. I gotcha... If you could go back, I have received lots of emails from different people in different parts of the County with sort of variations of the same concern. I know you spoke to it in the beginning but if you could

Planning Commission Minutes
October 6, 2009

reiterate very clearly, if a person currently owns and utilizes properties zoned A-1 and A-2, none of that aspect of their ability to use their property changes with the adoption of this Comprehensive Plan.

Mr. Harvey: That is correct Mr. Fields. This Plan is a guide. It is a tool for the County to use for future decision-making. It does not change the laws of the County. It does not mandate things to happen. It does not force things to happen. It does not change the ability of someone to use their property under the current laws that are on the books today. It is a policy document.

Mr. Fields: Thank you. Because there is always a lot of confusion with that

Mr. Schwartz: Mr. Milde then Mr. Brito then Mr. Sterling.

Mr. Milde: Mr. Fields, I would add that it is not even a matter of owning and utilizing, just owning it with its current zoning. Even if you are not utilizing it for that zoning, this would not affect that. But it is a vision; it is the County saying what it is they want. I need to look at the map, specifically, off of Hope Road. On the proposed map it is Route 721, I think. The piece of property in question is right beneath it.

Mr. Harvey: If you give us a minute while we are compiling the map.

Mr. Milde: Sure. Zoom in above the SR, that little curve of Hope Road there. Maybe the map in my book has 721; this does not. Right at the bottom center; yes, I believe that is Quail Run. Do you recognize that?

Mr. Harvey: Yes.

Mr. Milde: Quail Run? Can you tell me what change is being made to that particular area on this new map as compared to the current Land Use map?

Mr. Harvey: The proposed Land Use map identifies it as Suburban Residential. The current Land Use plan recommends it as Rural Residential. Part of the issue in that area, as I recall, is there is some existing R-1 zoning in that vicinity so that may be reflective of some of the R-1 zoning in that area for the new plan.

Mr. Milde: So the vision there is a higher density than currently exists on some of the lots. Did you propose a comprehensive land use plan that is identical to the underlying zoning or did you include lots that are not zoned in the R's?

Mr. Harvey: It varies in some areas but it, for the most part, tries to follow existing zoning. It may be somewhat different in specific cases.

Mr. Milde: I just picked up that the neighbors are not happy about any denser development around their section of the County. Also, causing the question, you do not know, do you, if the underlying zoning is identical to the proposed current comp plan or are you including in the higher density designation for currently lower density zoned properties?

Mr. Harvey: We can check into that and find out the details about the existing zoning versus the proposed...

Planning Commission Minutes
October 6, 2009

Mr. Milde: In general, across the entire map, maybe one of you can tell me are there cases anywhere in the County where your proposed density is higher than the current underlying zoning for residential.

Mr. Harvey: I cannot think of anything off the top of my head right now.

Mr. Milde: You do not think there is? You are not sure of that?

Mr. Harvey: I would have to go back and take a firm look at the map to verify.

Mr. Milde: With the exception of the redevelopment areas; we are not really sure what that is going to recommend?

Mr. Harvey: The redevelopment areas, right now, specify to consider following the existing zoning, however, acknowledging that we are working on the redevelopment plan which will have additional anticipated growth and development based on the Plan recommendations. We may have more commercial areas than currently exist or we may have some residential areas scattered throughout a project. The redevelopment area, based on market analysis and detailed studies, will probably have recommendations on square footage and types of commercial uses as well as residential density. Also, it remains to be seen what the Board does with the Urban Development Areas. Some comments have been made; maybe the redevelopment areas would be good locations for the UDA's.

Mr. Milde: Mike, do you have an answer to my question?

Mr. Zuraf: With Quail Run, the zoning is Suburban Residential so that land use is matching what the zoning is.

Mr. Milde: So, you are not suggesting... this proposed plan does not suggest higher density than is already allowed by-right there now.

Mr. Zuraf: Correct.

Mr. Milde: I want to say that to make sure someone in the audience hears me. Because I know he is concerned about it. Okay, thanks.

Mr. Schwartz: Mr. Brito.

Mr. Brito: Okay. It was said that the bloggers forum that the airport property was outside of the Urban Service Area. Can you please clarify that please?

Mr. Harvey: If we can have the computer please. The airport property is designated in the darker purple color or blue color and it is inside the Urban Service Area. The dark black line is the boundary for the Urban Service Area. As you can see, there is some business designation surrounding that area as well.

Mr. Brito: Okay, thank you.

Mr. Schwartz: Mr. Sterling.

Mr. Sterling: I would like to go back on the issue of the Plan and what it really means. I may be a little confused. If this is our Plan, this is how the County intends to move forward with development, all the

Planning Commission Minutes
October 6, 2009

various aspects of land use. Am I incorrect in that? Every time the lawyers have come in, whether they are suing us or presenting, they are talking about conformity with our Comprehensive Plan.

Mr. Harvey: Yes, this is our underlying policy document. It helps us if there are some issues or challenges to the decisions that the Board of Supervisors may or may not make in the future. It is not a law though. The Board can do things contrary to this Plan based on what it feels is in the best public interest.

Mr. Sterling: But this outlines what we think and what we intend to do? And when I say “we”, it is the Board; it is a living body but whether it is us or the next.

Mr. Harvey: Yes. It is also referred to as a living document too, because the Plan is changed over time as the community needs change.

Mr. Sterling: When as I look at it, you say that people are going to continue to be able to use it in a manner that they want. Our Plan, in some cases, is not necessarily compatible with your statement. I am looking at Policy 4.8.2 which applies to the overlay districts, military impact overlay districts, and the objective is to develop an ordinance to limit residential density within the district area to one dwelling unit per ten acres. That that’s our objective is to develop an ordinance that will do that. Now, currently that property is largely agricultural and one per three acres. This document is saying that we are going to develop an ordinance, unless I am mistaken, this document says that our goal, our intention, is to develop an ordinance which will effectively downzone that area; not encourage it, but to actually do it.

Mr. Harvey: Yes, it is a recommendation of the Plan. So that would lead to future actions by the Board if you so desire to consider that zoning change.

Mr. Sterling: That we would go for it. So it would be our plan, if we adopted it, our plan is to downzone that area?

Mr. Harvey: Yes, that is if the Board so desires to proceed in that manner. Again, those priorities, sometimes they are high on the front burner, sometimes they are low on the totem pole, sometimes they get adopted, sometimes they don’t. Our plan, as it currently exists, from 1988 it said it should restrict all development on slopes exceeding twenty-five percent. That has been an issue that has been debated for the last two decades and has not come to full resolution, and it has been in the plan for twenty years. So, some things here may be good today and they may not be so good in the future. They may not be resolved if the community is uncertain about the final outcome.

Mr. Sterling: But, if we execute the ordinances, the zoning changes, according to the plan, then this is the vision that everybody sees in the maps and in these ordinances or in these goals and objectives is how Stafford will be, whether you are in that area or you are out in other areas of the County that other things have been done, correct?

Mr. Harvey: Yes.

Ms. Kirkman: Mr. Chair?

Mr. Schwartz: Yes.

***Planning Commission Minutes
October 6, 2009***

Ms. Kirkman: Mr. Harvey, I was wondering... I have some questions. There was an anonymous flyer passed out on the Widewater Peninsula south of the Arkendale tracks last week and I would like to clarify some information... some misleading and false information that was contained in that flyer. So, let me ask you some questions. Is there anything in the Comprehensive Plan that will eliminate any homes south of the Arkendale crossing on the Widewater Peninsula?

Mr. Harvey: No.

Ms. Kirkman: Is there anything in the Plan that will take any homes through eminent domain on the land south of the Arkendale crossing on the Widewater Peninsula?

Mr. Harvey: No.

Ms. Kirkman: Is there... will homeowners and property owners be able to use their property in the same way that they can now?

Mr. Harvey: Yes.

Ms. Kirkman: The exact same way?

Mr. Harvey: Yes.

Ms. Kirkman: Okay. And, finally, does this Comprehensive Plan rezone or change the use of any properties south of the Arkendale tracks on the Widewater Peninsula?

Mr. Harvey: No it does not.

Ms. Kirkman: Thank you for those clarifications Mr. Harvey.

Mr. Schwartz: Is there anyone else who has not spoken who would like to speak?

Mr. Sterling: Actually, that raised a point; that was the subject of some email.

Mr. Schwartz: Mr. Milde...

Mr. Howard: Mr. Chair?

Mr. Schwartz: Yes.

Mr. Howard: Mr. Harvey, similar to I guess the discussion we just had about the potential downzoning, if it is adopted and I guess executed into law so to speak, what constitutes or what initiates the requirement of a Comprehensive Plan review from the Planning Department? So, under what circumstances would someone come before either the Planning Commission or the Planning Department that requires this Comprehensive Compliance Plan review?

Mr. Harvey: A Comprehensive Plan Compliance review is typically associated with a development proposal in one form or fashion, usually dealing with some sort of public facility. The State Code requires that if a proposal is made that has public infrastructure associated with it and it is not specifically identified in your Comprehensive Plan, then the Planning Commission would take a look at

Planning Commission Minutes
October 6, 2009

whether that proposal complies with the Comprehensive Plan. Specific examples we see fairly routinely are telecommunication towers. Our current Comprehensive Plan has siting criteria and recommendations for telecommunication towers but it does not specifically say you have to locate towers on these specific properties. So, if someone has a proposal to build a communication tower, they could come into the County and go through the process of a review for a Comprehensive Plan Compliance to see if it meets all the siting criteria in the Plan and meets all the requirements that the Planning Commission may see fit.

Mr. Howard: So, what would happen if someone did have some land that is A-1 or A-2, and they wanted to have that rezoned... let's say it is A-2 and they wanted to have it rezoned A-1. Is there a requirement that the Comprehensive Plan be evaluated to understand what the overlay maps in the Plan reflect? So, I understand that everyone is frozen; in this case the individual is frozen at the A-2. But they would like to have the property zoned A-1 because they have a different use or utilization of that land that you cannot do in A-2.

Mr. Harvey: When someone files for a rezoning application to change the potential use of their property, their application is reviewed for a number of criteria, but specifically it is evaluated against the current Plan...

Mr. Howard: The current Comprehensive Plan.

Mr. Harvey: That is in effect at the time that they make their application. Some people choose to request a change to the Plan because they feel that that may assist them in getting their rezoning approved but it is not mandatory that that occur. Again, the Plan is a guide; it is not a requirement for the Board of Supervisors to only rezone property that fits the specific criteria in the Plan.

Mr. Howard: But the process though would be even if it is a residential and they wanted to change one of the residential designations because of a particular change in the use of the land but primarily would still be residential, it must come before the Planning Commission or Planning Department. And, at that point, it is also evaluated against the Comprehensive Plan, is that correct?

Mr. Harvey: Yes.

Mr. Howard: Thank you.

Mr. Schwartz: Mr. Milde then Mr. Sterling.

Mr. Milde: Mr. Rhodes, I think, wants to speak.

Mr. Schwartz: Oh, Mr. Rhodes, okay.

Mr. Rhodes: Thank you Mr. Chairman. Mr. Harvey, given that this is a guiding general in nature policy document that helps inform our future processes, out of the nine goals and forty-five objectives, I know when I counted before there were about 125 instances of "shall" which is very directive and descriptive, and about twenty instances of "should". I tried to search through about five other counties and I found generally the reverse proportion of language, given that language matters and "shall" is so prescriptive. And given that we know we get into challenges when we act inconsistent with our Comprehensive Plan, especially if we do so regularly, are you aware of many other counties that have anywhere near that ratio

Planning Commission Minutes
October 6, 2009

of prescriptive “shall” directive language to more guiding “should” type of language? Is there anywhere else that does it quite that heavily or that doesn’t quite in the reverse?

Mr. Harvey: I have not researched the issue, but I will say that again this is a guide as a policy document so you will probably find a lot of places will say “should” or “may” because the situation may change. Even though it says “shall” in here, it is not a law, it’s not binding; but again, I think the word “shall” puts more emphasis on the effort that the County should make in regard to that issue.

Mr. Rhodes: Thank you.

Mr. Schwartz: Mr. Milde.

Mr. Milde: To that point, I will ask Sam... we are in Federal Court right now because it was alleged that we did not legally grant a rezoning to commercial on Route 1 at Hills of Aquia, across from Aquia Pines Campground, for a piece of property that was in our Comprehensive Land Use Plan for thirty years, designated commercial. Is that an accurate description or do you want to straighten me out if it’s not?

Mr. Nugent: So, Mr. Milde, you are talking about pending litigation? Are you talking about litigation actually that is pending?

Mr. Milde: We are being sued; we have not lost.

Mr. Nugent: I am going to allow Mr. Howard to answer that question if you don’t mind.

Mr. Milde: You want me to ask it again?

Mr. Joe Howard: Yes.

Mr. Milde: It is my understanding that there is a suit in Federal Court that we have remanded to Federal Court. We are defending an allegation that we illegally denied a rezoning that they say was consistent with our Land Use Plan for commercial along Route 1 just next to the six-story hotel, the new 7-Eleven, the junk yard, Banks Junk Yard. It is right there at Aquia Church, north of Aquia Church. Is that right?

Mr. Joe Howard: We are in court in connection with a case in which the Board denied a rezoning, that is correct.

Mr. Milde: And the allegation is that’s because we did not follow our own plan.

Mr. Joe Howard: That may be one of the allegations.

Mr. Milde: And typically, what is a fee... for these people that have residential land right now that we want to make it commercial, what is the fee when you come in to rezone a piece of property to commercial in Stafford County? What are we charging a person that wants to do that?

Mr. Harvey: It depends on the size of the piece of property.

Mr. Milde: Give me some range.

***Planning Commission Minutes
October 6, 2009***

Mr. Harvey: If it is below five acres, it is probably somewhere around \$4,000. If it is above five acres, it will be in excess of \$10,000.

Mr. Milde: Is there any guarantee... especially, I will ask this question with this Board... is there any guarantee that they are going to get their rezoning to commercial if they come in here and ask for it?

Mr. Harvey: The rezoning is a legislative act on the Board of Supervisors part. There are no guarantees. The Board takes into consideration multiple factors when it makes its decision.

Mr. Milde: Mr. Howard, aren't we in court right now for denying a rezoning that somebody did exactly that; tried to bring residential to commercial on Route 1? Yes, the answer is yes because you just answered that question.

Mr. Joe Howard: (Inaudible) just answered that question.

Mr. Milde: Anyway, I just have to be careful about that number dropping; saving 8,000 units in Stafford County when we don't grant rezonings. Anyway, the correct area... will you please show me the map and go right to the Centerport Parkway interchange for the proposed Comp Plan? While you are bringing it up, what you are going to see is a check-marked area around the Parkway... right there. Move it to the center, now move it up a little and get it right in the middle. That is the Centerport Parkway interchange on 95 and we have excluded, at least for the next ten years in this proposed plan, the whole area around the Parkway up against Route 1 from the USA. It has no water and sewer so even though it is designated a commercial color, right Mr. Harvey, there is no water or sewer planned for that area?

Mr. Harvey: The hash-marked area is in the proposed 2019 expansion area but it is outside the current Urban Service Area.

Mr. Milde: Could you explain to me the rationale behind taking out literally access to a hundred million dollars worth of infrastructure, the airport, the Centerport Parkway and a new interchange in Stafford County? Why we took that out of the USA?

Mr. Harvey: That was discussed in a number of work sessions that we had with the Board and that was the recommendation that came out.

Mr. Milde: What kind of commercial development can we expect to see on water and on-site septic well water?

Mr. Harvey: It would be fairly limited.

Mr. Milde: Fairly limited, okay. And lastly, since we had established that our comprehensive land use is a guide for the future and it tells the landowners what we would like to see on their property, is that correct?

Mr. Harvey: Yes.

Mr. Milde: So, the designation on all the residential homes in Widewater as parkland... are we telling the applicants that we would like to see parkland of their homes?

***Planning Commission Minutes
October 6, 2009***

Mr. Harvey: The plan does recommend park for that area. It acknowledges that the state park exists...

Mr. Milde: You can't rezone parkland... there is no such designation?

Mr. Harvey: Correct.

Mr. Milde: So we can't expect them to come in and, even if they had all the money in the world, if they wanted to rezone their property to parkland, they can't, right? There is no mechanism to rezone to that category.

Mr. Harvey: Correct. Parkland generally is a public facility so it would be allowed in virtually all zoning categories.

Mr. Milde: So the only other option is that County would acquire it either through a donation or some type of eminent domain or purchase.

Mr. Harvey: If the County was choosing to build a park there.

Mr. Milde: In the original plan before the last iteration, the Planning Commission sent this Board of Supervisors the same kind of thing around the Crow's Nest, is that correct? They had the parkland designation going all the way out to the Brook VRE and up and down Brook Road, right?

Mr. Harvey: The previous version of the Plan showed a wider area designated for parking in that vicinity, yes.

Mr. Milde: And this Board agreed with me because I was the District Supervisor that I didn't think that I should be telling all the landowners out there that I wanted to make a park of their homes, and that is why we changed it. Do you recall that?

Mr. Harvey: The Board did change it in that area, yes.

Mr. Milde: Thanks.

Mr. Schwartz: Mr. Sterling then Mr. Di Peppe.

Mr. Sterling: Following up on that, the Plan calls... south of the railroad tracks... does it call for all of it to be parkland?

Mr. Harvey: I believe so, yes.

Mr. Sterling: And, so, if we were to execute on it, we would have to eminent domain or we would have to take some sort of County action to do so. I mean, would it not be simpler... because I think I am hearing that maybe it is not the County's intention to just simply remove those parcels that are residential from that designation as parkland?

Mr. Harvey: That is something that the Board would consider the plan, yes, that could be done.

Mr. Sterling: We could remove it and that would eliminate that particular, at least, uncertainty that exists?

Planning Commission Minutes
October 6, 2009

Mr. Harvey: Yes.

Mr. Sterling: Okay, thank you.

Mr. Schwartz: Mr. Di Peppe.

Mr. Di Peppe: Mr. Harvey, isn't it true that we have, in the past number of years, developed approximately a million square feet of commercial a year?

Mr. Harvey: We were hitting that stride a few years before the change in the economy.

Mr. Di Peppe: Which is a pretty good amount of commercial. And is it not true that this current Plan being proposed has, even though it's set for twenty years, has a hundred and fifty years worth of potential commercial growth in it?

Mr. Harvey: It has a significant amount of potential area that exceeds what we would...

Mr. Di Peppe: What we could possibly get. And so maybe we ought to be phasing it. One other question for Mr. Howard. Mr. Howard, in your experience, would you say that no matter how the Board of Supervisors vote on any issues over the past few years, it is likely that some group may take them to court, whoever doesn't win. Would you say that if someone doesn't get what they were hoping for that often times their resort is to go to court?

Mr. Joe Howard: That is always an option. I mean, the State Code allows an appeal to be taken and litigation to be filed if someone is not satisfied with the results they achieve before the Board.

Mr. Di Peppe: So, at any given moment, we usually have at least one suit and sometimes as many as fifteen suits against the County, no matter what we do. Is that a fair statement?

Mr. Joe Howard: Is that a question?

Mr. Di Peppe: Well, that's the question.

Mr. Joe Howard: I don't know about fifteen; every now and then we have a suit.

Mr. Di Peppe: Well, maybe seven or eight. My point being, the question I am asking is, no matter what decision the Board makes, it doesn't take away any citizen or any corporation's right to challenge it in court. And the fact that it is challenged in court does not necessarily mean whether the Board made a correct or incorrect decision. And that will continue to happen in the future no matter what our Comprehensive Plan is. Thank you.

Mr. Schwartz: Anyone else? Mr. Brito.

Mr. Brito: Yes, can you put the map back up of the Centerport interchange please? Okay, while that's coming up, Mr. Harvey, the original plans for the Centerport interchange, did they have a cloverleaf in it?

Planning Commission Minutes
October 6, 2009

Mr. Harvey: Yes, the interchange has only been built to phase 1. Ultimately, there will be other loops associated with the ultimate build-out once other road connections and other development occurs in this area.

Mr. Brito: Okay, so the plans are to change it from a diamond interchange, which it is now, to have more loops on it in the future.

Mr. Harvey: That is my understanding, yes.

Mr. Brito: Okay. And the original plans for the Route 1 interchange there, that was also supposed to have an interchange, not a traffic light. Is that correct?

Mr. Harvey: I don't recall that specific issue. I would have to consult with the transportation staff to see what the design was for that.

Mr. Brito: I was on a Transportation Committee back in '94 and that's what the original plan was, to have a complete cloverleaf interchange there. So, if cloverleaves are built not only on the Centerport interchange but on the Route 1 interchange, that would require land acquisition in that area that is designated in the 2019 Plan?

Mr. Harvey: I think that would remain to be seen. It would depend on how VDOT would design those types of improvements and which direction the traffic flow would be working and everything.

Mr. Brito: Okay. And VDOT doesn't recommend installing traffic lights that close to an interchange, is that correct? Do they have a certain distance?

Mr. Harvey: VDOT has access management guidelines which establish recommended distances from interchanges and also from one traffic light to another. I am not certain how that would apply here; if there were additional build-outs, that would be something that VDOT would have to view as they are designing the additional improvements.

Mr. Brito: Okay, thank you.

Mr. Schwartz: Any other questions? Ms. Kirkman.

Ms. Kirkman: The Planning Commission sent up to the Board a Comprehensive Plan that did designate parkland for Crow's Nest all the way out to Brook Road, but not including VRE or land adjacent to the VRE. Were the boundaries of that consistent with the boundaries set forth in the U.S. Wildlife guidelines for a fish and wildlife refuge out there?

Mr. Harvey: I am not certain; I will have to defer to other staff on that question... if you can give me a moment.

Ms. Kirkman: Is Mike here? Because I know we had some discussion about that in the subcommittee.

Mr. Harvey: Ms. Kirkman, we would have to verify that on the maps. We don't have them with us at this table but we can certainly go get those and answer your question.

***Planning Commission Minutes
October 6, 2009***

Ms. Kirkman: Okay. And how did that change occur that the boundary was pulled back away from Brook Road?

Mr. Harvey: That was discussed at one of the Board of Supervisors work sessions with regard to their review of the Comprehensive Plan.

Ms. Kirkman: So, a majority on the Board reduced the area that would be designated as parkland on Crow's Nest, is that correct?

Mr. Harvey: That and the other changes that were recommended to take us to this public hearing.

Ms. Kirkman: And also consistent with the U.S. Fish and Wildlife Congressional boundaries... the boundaries that were established by Congress, the acreage was 8,000 and I noticed that the language in the text of the Comprehensive Plan has now changed that Crow's Nest has somehow shrunk from 8,000 to about 3,800 acres. How did that change occur?

Mr. Harvey: I believe that was acknowledging the area where the land has been acquired for the State Park. We have a map that depicts that area; if we can have the camera please. Mr. Zuraf is pointing out to me that the area designated for parkland is 3,884 acres and is identified here on this portion of the map. Of that area, 2,872 is acquired and the remainder is Crow's Nest Harbor.

Ms. Kirkman: Okay. And on the Widewater Peninsula, does the County have any plans to acquire or purchase any additional parkland out there?

Mr. Harvey: Not to my knowledge, no.

Ms. Kirkman: How many acres of parkland between the State Park and Patawomeck Park are there now?

Mr. Harvey: I believe the State Park property is approximately 1,100 acres and I am trying to recall Patawomeck... thank you. Patawomeck Park is 180 acres.

Ms. Kirkman: And is the thinking that Patawomeck Park is adequate for the next ten to twenty years to serve residents in that area?

Mr. Harvey: I believe so. Patawomeck Park has a phasing plan and the initial phase has been built to date.

Ms. Kirkman: And is there anything in our capital improvements plan for purchase of parkland on Widewater Peninsula?

Mr. Harvey: Not that I am aware of.

Mr. Romanello: Mr. Chairman, the capital improvement program does have a land acquisition but it is not specific to areas of the County.

Ms. Kirkman: Thank you.

Mr. Schwartz: Anyone else? Mr. Milde.

Planning Commission Minutes
October 6, 2009

Mr. Milde: The reason the Board took the land out of the Crow's Nest peninsula that was originally the official wildlife was because there are houses on it now. Isn't that right?

Mr. Harvey: I believe that was some of the concerns the Board had when they discussed that, yes.

Mr. Milde: There are peoples' homes so we took them out of the parkland designation... as much as I would like to tear down all the houses and grow trees back... VDOT was just here. Did David leave? I would like for him to tell us when they plan on changing the interchange at Centerport Parkway. I have been waiting twenty years for this one and there are two other interchanges we are competing with in Spotsy and in Fredericksburg. Mr. Stanley, can you tell me when we are going to start moving on that interchange reconfiguration?

Mr. Sterling: I think he may have stepped out so let me step in for him. I will put on the CTB hat. It is not in the program. Mary Lee, the District Representative for Fredericksburg, can concur with that. It is not in the program to do that, phase 2. However, it is my understanding in talking with VDOT that the land that has been purchased was purchased to accommodate all phases of that particular intersection. That is a designated right. That is the information we have.

Mr. Milde: May I see the map again of Centerport Parkway as well? We may have a whole lot of land, Jeff, in this County for commercial, but isn't this pretty much the center... this is ground zero, this is prime real estate, isn't it? Don't we want our commercial close to the interstate?

Mr. Harvey: We do find interstate locations to be attractive for businesses generally.

Mr. Milde: Are they more expensive? The checkered mark, after wrangling we have convinced Mr. Brito to put it in 2019 but the area to the left of those hash marks, where it says BU, that is outside indefinitely, correct?

Mr. Harvey: Yes.

Mr. Milde: So, all of this land to the left of the hash marks, it is colored commercial yet it is not fed by water and sewer?

Mr. Harvey: That is correct.

Mr. Milde: And it is within almost a stone's throw of I95 if I'm not mistaken. Is that 95 running down from the hash marks? The white strip?

Mr. Harvey: Yes sir.

Mr. Milde: Okay, thank you.

Ms. Kirkman: Mr. Chair?

Mr. Schwartz: Yes. Ms. Kirkman.

Ms. Kirkman: Mr. Harvey, what is the underlying zoning right now of that land that is designated BU that we just looked at?

Planning Commission Minutes
October 6, 2009

Mr. Harvey: The predominant zoning in most of those properties is agricultural.

Ms. Kirkman: And in the County, the agricultural land that we have had on water and sewer, what has been the predominant land use?

Mr. Harvey: The predominant land use for A-1 property with water and sewer is for residential neighborhoods.

Ms. Kirkman: Residential. So, if this land is incorporated into the Urban Service Area with water and sewer, and being currently zoned agricultural, what is the most likely use of that land? Based on previous development plans the department has received.

Mr. Harvey: Based on existing zoning, it would be probably for residential development. If the owners looked at the plan and felt that commercial potential was there, then they may consider rezoning for commercial use.

Ms. Kirkman: Okay, thank you.

Mr. Milde: Mr. Chair... right now, what is keeping the owner of that piece of property from turning it into houses right now and putting it on well and septic?

Mr. Harvey: It is something they could do today...

Mr. Milde: Right now. So the only chance of taking that residential land off of the roles is to encourage commercial development? Or turn into parkland?

Mr. Harvey: That is one incentive to try to get development to make that...

Mr. Milde: So, if we don't make that land easily developed as commercial, what is the likely scenario there if its underlying zoning is not commercial yet it is 3-acre residential?

Mr. Harvey: Well, based on the existing zoning, it could either be a residential neighborhood or a farm or a forestry area.

Mr. Milde: But not likely to be a high-intensity commercial use on on-site septic and well water.

Mr. Harvey: Again, it depends on the commercial use but not an intense use like a hotel or a large scale restaurant.

Mr. Milde: Thank you.

Mr. Schwartz: Okay, Mr. Di Peppe.

Mr. Di Peppe: Mr. Harvey, in our current economic condition, have you seen a dramatic drop of building permits in this County? Wait a minute... please, I just want to say have we not dropped precipitously in building permits in this County? I remember fifteen hundred and two thousand; what was it this past year?

Planning Commission Minutes
October 6, 2009

Mr. Harvey: Last year it was around four hundred.

Mr. Di Peppe: Okay, and with the present stock of homes for sale are you seeing a whole lot of people coming in and building houses in A-1's right now, getting permits for that? So no matter what it is, not many people are building homes.

Mr. Harvey: I have not tracked where the building permits are coming from but this year we are on pace, if not a little bit better, than we were last year.

Mr. Di Peppe: Okay. Thank you.

Mr. Schwartz: Okay, we are entering the discussion phase which needs to be held until after the public hearing. Mr. Fields?

Mr. Fields: Alright. This is sort of confusing, but basically we are opening two public hearings so at this time I will open the Planning Commission public hearing on the proposed Comprehensive Plan.

Mr. Schwartz: And I am opening the Board of Supervisors public hearing. It is a single public hearing jointly. In other words, there are not two opportunities to speak, just one. So, I have some cards already made out. Remember, it is three minutes; the same procedure follows with the lights. Dan Reebel.

Dan Reebel: I am speaking about the Comprehensive Plan proposals in regards to basically the park land in Widewater. This whole thing about "the implementation plan shall contain concrete actionable steps". That is pretty strong language, concrete actionable steps. And it says here "the highest priority shall be given to aligning elements of the Comprehensive Plan and Ordinances to comply with the goals, objectives and policies of this document". You know, out in Widewater there are a lot of restrictions with the soil and water and we've got a lot of park land there and I don't see why landowners out there can't develop land how they want to do it if it's in accordance with A-1 or A-2 agricultural zoning. I just have a lot of concerns about this Comprehensive Plan restricting our rights even further in the County. Thank you very much.

Mr. Schwartz: Thank you. Alicia Reebel.

Alicia Reebel: I think everybody understands that the Comp Plan is not going to rezone our property. But I do understand if you read even in the Comp Plan, the introduction, it is very clear "the Comprehensive Plan is a policy document", which has been stated here, "that lays out specific recommendations for changes to zoning and land use regulations". And we all know that it is tested against the Comp Plan. But anyway, I would really ask that the Board and the Planning Commission demonstrate a clear understanding of the ramifications of what you are doing with re-designating the land in Widewater to park or park land or whatever the zoning is. Right in your own Attachment 1 you have "future land use designations" and park is a separate category from what we are presently, agricultural, rural residential or rural commercial. I have no idea what that is going to mean and I would like for you all maybe to do a discussion that demonstrates to us that you do fully understand what that means when you change my land to park on the Comp Plan, where I have lived going on 22 years. I would ask you to please answer a couple of questions before you make that decision. One, what is the purpose of changing it? That's where I am really confused here. The State already owns eleven hundred acres and I am really unclear of the purpose of re-designating the private land that is held out in that peninsula as park. You already have eleven hundred acres; I see no purpose in re-designation of that. And, if you are going to restrict my use, I would like to know what can be done in park, what

Planning Commission Minutes
October 6, 2009

future... you know, if I come in and say I would like to have a farm stand or whatever use is allowed right now under the current agricultural zoning and how that is going to change. And also with those restrictions that you are going to put on me in the future, I would like to know how I would be compensated tax-wise. So, how will my land now be taxed once it's designated as park? So now I live on a park and when I come in to ask for something in the future, which I haven't asked for anything in 22 years except some modest additions, I would like to know how you are going to treat that tax-wise. And, again, I would like to know clearly what the purpose is on re-designating private land in an area where it's already predominantly public land and what the purpose of that re-designation is, what the ramifications will be and what kind of tax treatment we will have. Thank you. And I would please like you to answer that.

Mr. Schwartz: Thank you. Preston Blaisdell.

Preston Blaisdell: I have written a memo to each of you through the Supervisors and I hope you have received it, concerning the proposed amendment. I am very concerned about being excluded, because I am agricultural, from your new Urban Service Area. In the past four or five years we have had this land up for sale. We have had developers and proposed contracts with contractors to sell the land, and it would be developed as residential. And, at that time, we were promised that going through a zoning situation we would have water and sewer for this land. With this new proposal, I am being excluded completely from future water and sewer, and it is my intention, as soon as the economy comes about again, to go back to the same place we were four or five years ago. I think it is wrong to deliberately exclude a piece of land which is right in the middle surrounded by three sides with the new Urban Service Area and my 180 acres, or my family's 180 acres, is completely excluded and the fourth side is the Rappahannock River. Also, there are at present times there is a sanitary sewer line running through the middle of the property, there are storm sewers coming off from other properties running through our property and through the branches and headed to the river. And there are certain water lines that are on the property but, for future expansion, we will not be allowed, according to this designation you have here to tie into any of that future water and sewer and I object to that. So, I guess that's my piece. Thank you.

Mr. Schwartz: Thank you. Betty Blaisdell.

Betty Blaisdell: I am addressing Mr. Chairman, the Board members and the members of the Planning Commission. I am overall in support of a concept of having a Comprehensive Plan with goals and objectives and policies, but I question specifically why the Blaisdell tract of land was deliberately, appearing to be deliberately, omitted from the Urban Services Area. As my husband stated, we are one little tiny piece carved out from the whole Urban Services Area and we don't understand why we are carved; that little teeny white piece of land there. According to the Plan we will be isolated with no future possibility to have public water. That is stated in the presentation that was given earlier. So, given that we don't understand the rational reason for being excluded. I am coming to respect the late request that we be included in that Urban Services Area. Thank you.

Mr. Schwartz: Thank you. And Beverly Blaisdell.

Beverly Blaisdell: I am coming before you, Mr. Chairman, members of the Board of Supervisors, members of the Planning Commission, with the request that our property be included in the Urban Services Development Area. I am wondering if we can possibly get the graphic up so I can show exactly the piece of property that we are referring to. I think that a picture is worth a thousand words. If you come down to the proposed area... we are surrounded on three sides by Urban Services

Planning Commission Minutes
October 6, 2009

Development Area proposed property. This is land that has been in our property for 90 years. It belonged to my great-grandfather. It is our heritage, it is our legacy, it is what we pass to our children. By excluding us from the Urban Services Development Area, not allowing water and sewer to come in, you have shut the door on what we can pass down, shut the door on what we can do on our property that our forefathers gave to us. I am respectfully requesting that you review, once again, our piece, our little piece that has been carved out of the big picture and please include us in that Urban Services Development Area. And I would be interested also to know what the rationale has been when the development is all around us and our little piece has been carved out. I would be interested to know how that happened, what the thought process was. What were the discussions that took place? What was the reason for that? Thank you very much.

Mr. Schwartz: Thank you. William Hoyt.

William Hoyt: I am opposed to this Comp Plan in its entirety because the entire process that has brought this forward has been corrupted and contaminated by what I can only describe as a cancer within the Planning Commission. Commissioner Kirkman, who has been...

Mr. Fields: As Chairman of the Planning Commission, I have to object to singling out and criticizing individual members of the Commission; that is not appropriate in a public hearing.

Mr. Milde: We have established at our level that it is.

Mr. Fields: Well, then you better get ready Mr. Milde.

Mr. Milde: Well, I am, that's why we established that when I have been repeatedly insulted over the last few months here by people over the SPCA issue, my Chairman...

Mr. Fields: I just want to go on record that the Chairman for the Planning Commission and the Planning Commission as a whole objects strongly to that type. We do not allow that at the Planning Commission.

Mr. Milde: Well, it can't go just one way, I'm sorry.

Mr. Schwartz: Go ahead.

Mr. Hoyt: Mr. Chairman, if you will reset my clock please. Commissioner Kirkman has been described by many as a disturbed person in a malcontent...

Mr. Di Peppe: I object. I object, Chairman.

Mr. Schwartz: That is out of order.

Mr. Fields: That is unacceptable behavior at a public hearing.

Mr. Hoyt: Well, how about Commissioner Kirkman threatens and intimidates and insults every member of your planning staff, your zoning staff, industry professionals, and applicants before this Board.

Mr. Woodson: Mr. Chairman, point of order Mr. Chairman.

Planning Commission Minutes
October 6, 2009

Mr. Schwartz: Mr. Hoyt, you can criticize but your manner of criticizing is out of order and inappropriate and disruptive. And disruptive; that's the key word.

Mr. Hoyt: Mr. Chairman... okay, if you want me to leave, that's fine. I would remind the Chairman that I have been called everything from Adolph Hitler and that slid past this Board and the Planning Commission over the last six months.

Mr. Schwartz: Mr. Hoyt, you're off message right now.

Mr. Hoyt: Well, you're right. That is certainly your call.

Mr. Milde: He's right, Mr. Chairman. It's true; that is an accurate statement.

Mr. Schwartz: Mr. Milde, this is not the time.

Mr. Hoyt: I have suffered the slings and arrows of almost everything that people have thrown at me over the past...

Mr. Schwartz: Mr. Hoyt, this is not the time.

Mr. Milde: (Inaudible).

Mr. Schwartz: No, he has to address the issue at hand.

Mr. Hoyt: I thought I was, Mr. Chairman, because my issue with this Comp Plan has everything to do with the Planning Commission that put it forward and some of the...

Mr. Schwartz: Your criticism, in my opinion, is disruptive. So if you want to...

Mr. Hoyt: That is certainly your opinion and you are certainly entitled to it.

Mr. Schwartz: My opinion counts.

Mr. Hoyt: So does mine, sir.

Mr. Schwartz: Stop. Everyone stop. You can continue but without that disruptive criticism.

Mr. Milde: Is threatening or intimidating... are those words acceptable?

Mr. Schwartz: Mr. Milde, you are out of order.

Mr. Milde: It's a question...

Mr. Schwartz: You are out of order, Mr. Milde. And up till now we have been doing fine.

Mr. Milde: I am just not sure where we are supposed to be on this.

Mr. Schwartz: We are supposed to be... the public has an opportunity to speak. You do not have an opportunity to speak right now.

*Planning Commission Minutes
October 6, 2009*

Mr. Milde: Well, I am not clear on the rules.

Mr. Schwartz: The rules are clear. They are in your own by-laws. Do not speak right now. No member on this dais speaks.

Mr. Milde: I just want you to have a fair share for everyone.

Mr. Schwartz: Except the Chairs.

Mr. Milde: I'm speaking.

Mr. Schwartz: Well, you're out of order. If you continue to speak, you will be disruptive.

Mr. Milde: Thank you.

Mr. Schwartz: And you know where I stand on that. Reset the clock.

Mr. Hoyt: Okay. Well, in summation, since two and a half pages can't be read, I see Commissioner Kirkman who bought a home in the heart of Crow's Nest and then fought very hard to prevent anybody else from doing the same. I think that this is the same Planning Commission that has fought every business growth in Stafford County yet wants to triple the size of County government. The same gang of four has been so heavy-handed fighting new business coming to Stafford that they might as well be on Spotsylvania's payroll. Finally, a twenty year Comp Plan... that's a long time. That is going to affect every single resident, Widewater or Brook, every single business, and it has been done without a single outside FIM analysis or any other economic analysis. Really? Even internal studies were pulled from public view. Are you serious? I encourage, hopefully, a more rational Board to vote no on this particular Comp Plan and maybe vote yes for mandatory drug testing for the Commission.

Mr. Fields: Mr. Chairman, that is absolutely out of line.

Mr. Nugent: For the record, for the benefit of both groups here this evening, this assembly has the right to protect itself from annoyance by non-members and its full authority in this regard can be exercised by the Chair acting alone, the Chair has the power to require non-members to leave the hall or to order their removal at any time during the meeting, and the non-members have no appeal from such an order of the presiding officer. Just for the record sir.

Mr. Schwartz: Thank you. It's a statement I neglected to read tonight; I clearly should have. Christine Stone.

Christine Stone: I am just expressing the concerns of the residents on Morning Dove that our road especially, you can see it on the map, it backs up to a creek, and it doesn't make sense lumping us into the suburban... at least in our view... the suburban residential zone such as Summer Wood and the areas across Hope Road from us. We are more in keeping, especially with that stream behind us, with the Jennifer Lane and Dent Road area that are right behind us and off of Courthouse Road. And I just wish I could understand why we have been put in the other side. Thank you.

Mr. Schwartz: Thank you. Joyce Arndt.

Planning Commission Minutes
October 6, 2009

Joyce Arndt: Before we start, Commission members, Board of Supervisors, everyone, I would like to respectfully remind everybody that the people in Widewater that have been, their homes have been eliminated from the map, we're the ones that got this County that park. These people, hard work, patience, diligence, time, money and love of the land, got that park in Widewater. I have lived here since 1970 and almost from the day I moved here it has been power plant, prison, beer factory, sludge plant, and at least a dozen variations of a housing development, golf course, air strip, you name it. I understand that the designation of park for everybody's property does not change our zoning. It doesn't change anything. I hope it changes are tax base. But I would respectfully ask you people to put up our homes back on the map. There is eleven hundred acres of park and we can sell to the State, we can give to the State if we want, but just put our houses back on that map. I mean, the Comp Plan has taken a lot of work, I know, and we need it. But I see a lot of people that have had a lot of issues with it, so maybe it needs a little more thought before it gets its final issues. And I do see some other land that has been designated as I think Urban Service in the Widewater area that is just as environmentally sensitive as the land southwest of the railroad tracks. And I see no reason why that should be put in the Urban Service; it should be resource protection or something like that because it is very environmentally sensitive; a lot of wildlife, etcetera. That's it. Put our houses back on the map. Thank you.

Mr. Schwartz: Thank you. Shawn Weingest.

Shawn Weingest: Good evening. Last time I was here Anthony Romanello talked about the first forced layoffs in recent memory. I see a sign four blocks away on a restaurant saying "eat here or we will both starve". My motto, I guess, would be work here or we will both starve. That's why I really hope this meeting means something and it's not really going to be a rubber stamp and that we will see some amendments as a result of this public meeting. Your goals are obviously laudable; the staff's goals I heard here today are, I think, laudable. I just know on our property they are not put into practice. We own 164 acres, it's zoned heavy industrial. That's great. I want it that way. When we bought it, we got a letter from the zoning commission, there was actually a CIP to put a sewer pump station right on our property. Even worked to pay to bring a sewer line right to our property, and the County spent a lot of money bringing water to my property before I bought it, thank you. Now you guys are taking it out of the USA and I just don't understand... well, I do why; it's politics. And it's not against politics of industrial property and jobs, it happens to be between some residential property that may or may not get developed. But, you know, under your own zoning regulations here, and I don't have a problem with your Comprehensive Plan, it's the USA, it says that I can't be industrial if I don't have sewer. Well, you are taking the sewer away from me even though I spent money putting a line on. When you last changed the USA, the County staff stopped working on my project. It has now been eleven months between you and VDOT and you guys have lost my plans. We are trying to put a jobs park here in the County. I don't know what this means and unfortunately the good people here on your own staff don't know what it means if you do what you are going to do today in moving the USA. I may not have anything and you will lose a very important job center. I understand that there are a lot of large landowners who have informed you that they are going to refile suits like they did last time with the USA. I think there were a little over a half dozen. You know, given that you guys already have the power of zoning I am not sure the only thing you are doing affecting the USA is affecting landowners like me who are trying to bring jobs to the County. The only people you are going to be helping are the outside lawyers that the County hires and the other counties who are competing for good jobs with Stafford County. I please hope you do some amendments that really do need to be made here. And, again, I do respect everyone here on staff and, you know, I have met a lot of you over the dais and I do think some things need to be done here.

Mr. Schwartz: John Roche.

Planning Commission Minutes
October 6, 2009

John Roche: Good evening members of the Board and the Planning Commission. I grew up in Woodbridge, I spent the last six years in the military and I decided to come back and make Stafford my home. And as the first, I guess, big plan of me being a Stafford resident, I see one big problem within and that was around page one where it says "Budget Impact N/A". The problem I have with that concern is the main goal of this plan is fiscal responsibility and it's even been admitted tonight that there is no FIM for this version of the plan. What I did see on pages A25 through about A27 is home price statistics for January 06 and lastly August 06. I can only presume that the Board of Supervisors is using those statistics to get an idea of what type of revenue is going to be brought in. But I believe those statistics are grossly overblown considering we know the housing bubble in 06. Considering that nothing was taken into account in a longer historical fashion, I think it is really underestimating it. The gentleman right there even said that this is 150 years' growth in a 20 year plan which, once again, I think if you are going off a historical average which it sounds like you were sir then taking into what you would think is the projective revenue based off of real estate taxes is also incorrect. Also, I have an issue with what I hear is a recommendation which is expand the transportation impact fee, yet without how long and how extensive that fee will be to the citizens of this County right here. And then, lastly, being in the government, I understand that 99.9 percent of the time the process amendments are way undervalued and considering that this is a 385 page plan I do not think that is the .001. Thank you.

Mr. Schwartz: Thank you. Is there anyone else in the chamber who would like to speak?

Robert Hopkins: I object to the concept that citizens don't have the same vote that anyone else has. I think that the concept that I was raised with was we elected our officials in order to work for us. They were designated by us by our votes. So, I am hoping that everybody that is on the Board will stop and think about the citizens as being valuable people as well. I realize that is not always shared, and sometimes the citizens are definitely out of line. But one of the big problems when you folks make changes to this degree is you don't get it right the first time and it screws up the works often. The 150 years worth of quantity might not be 150 years if this County did things the way most of the other counties, cities and towns in the Commonwealth of Virginia did it as far as businesses were concerned. They might be able to use up that supply a little bit quicker, because if you can grow your economic base and have something other than the school system and the government as employment centers in the County, the County will be better off. We can't forever plan on commuters going up to D.C. or going to a federal job and bringing the money back home to the County. We have to be able to generate some kind of commercial entity within the County that generates some funds for the County. And we also have to look at the fact that multi-family housing does generate far more demands on the sub-structure than single-family and townhomes. And I would be happy to discuss that with anybody that would like to discuss it at any time. Thank you.

Mr. Schwartz: If you other folks could start to form a line, it might be easier.

Eric Kerr: I have some respectful comments for the joint Board gathered here tonight. I think there has been a lot of great work done on this plan but I don't think it's quite ready. And I will tell you why. One is someone brought out the issue of "shall" and "should" and "may". Those words make a difference. Someone here said "well, they really don't make a difference" and if they don't make a difference, then it should all say "should" and "may". "Shall", I think, is a very dangerous word to write in here and it is pretty common in this document. The next topic is public input and the analysis behind the plan. When I started reading it the other night, I was real happy with the public input. But when I went back to Appendix D and looked at the public input, the Vision meeting was March of 06, the Focus meeting was July of 06, the Survey was June of 06, the workshops were June and October of 06. We are

Planning Commission Minutes
October 6, 2009

in a different world so I think they shall go back and get more public input, that is one time I might use the "shall" word. Because I think a lot of these assumptions have changed. Our President has told us, we are in the biggest economic crisis since the depression so some things may have changed and we should look at that. And then that leads into the economic analysis which just isn't there. There is no analysis of alternatives. If we did this, what would it cost? If we did something else, maybe that would be better. That is absent. And the last one is common sense; I will give two examples. One is people brought up the Urban Service Areas and it really looks like a congressional district drawing by Huey Long. People have said enough about it but I am a pilot, for twenty-six years I was a professional pilot and I know a little bit about airports and Mr. Brito, you are my Supervisor and the airport is in the Urban Service Area. The runway... runways don't use much water or sewer; the land around the runway that you can't build on because it's too high and the planes crash into it... that is in the Urban Service Area. But all around the airport is farmland and some commercial land without water and sewer. And I have flown to airports in five continents and the only airports that I have seen that don't have anything around them but farmland are for B-52's and nuclear weapons. I don't think that is what we want here. I think we want economic development around that airport and it doesn't pass the common sense check right now. I think there is some great work but I think it needs to be a finer edge, especially with the current public sentiment and the current economic climate that should be looked at. Thank you very much for the time.

Mr. Schwartz: Thank you. Next.

Thomas Cropp: Good evening ladies and gentlemen. I appreciate the hard work that goes into this; I know it's no easy decisions. Having said that, I am very disappointed that we are here tonight having a joint public hearing. It took you members who have been working with this for two to four years an hour and a half to ask questions. It would certainly be nice if the public could have had a chance to ask questions and gotten answers before tonight. Okay, I have a parcel off Juggins Road, the north side of 610, and water and sewer are close. I am a quarter of a mile from the commuter parking lot, half a mile from Stafford Market Place, adjacent to Doc Stone Commons, a mile to a mile and a quarter from 95 interchange, can access Onville Road without getting on 610. Not in the Urban Service Area. It's agricultural. Okay, agricultural, according to the definition, this is areas for traditional agricultural uses, activities and residential development on 3-acre lots. Do we really want agricultural activities this close to commercial properties? Do you want 3-acre lots on drainfields this close to the reservoir? Because this property is not going to be able to hook onto the sewer lines after this plan goes through. And this to me would be creating sprawl, large lots this close to so much infrastructure. I don't understand it. I thought we wanted to get things in a smaller area. Okay, with all the area as shown in this plan as agricultural, my question... was there anybody on the Comp Plan Committee from the Agricultural Committee? I'm not talking about some guy that raises goats for a hobby; someone that files an agricultural income tax return. When I asked this question in 06, the answer was no. With all this area for agriculture, what are your plans to keep agriculture solvent in Stafford County? Are there farmer's markets? Are we going to have agricultural education in the public schools? Do we really want agriculture or is this just lip service to preserve open space? I think all of you should read the Herd report. Okay, the 10-acre military overlay... I was in this room about six months ago with representatives from the military and staff. And at that time, the people from the military stated clearly they weren't interested in down-zoning, they weren't interested in acquiring property. What they were more interested in was purchase of development rights, conservation easements and they used the example of what they had done in Prince William with Merrimac Farm. And now we end up, we are going to get a down-zoning. You can't believe anything you hear in this room.

Mr. Schwartz: Thank you. Yes sir.

Planning Commission Minutes
October 6, 2009

Alex Long: Good evening. I'm the real estate broker trying to bring business and industry to Renaissance Business Park and it's extremely difficult because we're very much in a conundrum. We have public water at the site, I think about one and a half to 1.7 million dollars has been spent to bring public sewer to the site and yet today, or at least before you all vote, this property is in the Urban Service Area. However, if this plan is adopted then this property is no longer in the Urban Service Area. As one who works to bring business and industry, I can tell you in all honesty that it is extremely, extremely difficult. The competition for good quality businesses and industry is fierce. Other jurisdictions very much want good jobs, quality jobs and tax revenue. If we are out of the Urban Service Area, the way I read the Comp Plan, we don't qualify for the technology zone designation. This property is unique. Yes, there is much property in Stafford County zoned industrial but when you look at... you start saying take out the airport ground because that is being used as an airport, take out the quarry grounds because they are being dug up, and then take out the ground that will never ever have public water and sewer, and very soon that which is actually usable, that which you should plan twenty years into the future for, it's a very, very small quantity. The owners of the property have literally spent millions of dollars. They were already there; they were already designated; they are not asking for something that they didn't have, just asking for something that they already have. And I am asking for an opportunity to bring jobs and tax revenue to Stafford. Thank you very much.

Mr. Schwartz: Thank you.

Vernon Blaisdell: I think already know the predicament we are in; Preston and Beverly explained that to you a little bit sooner. But I am here tonight to speak about a piece of property I own on Old Forge Drive, Tax Map Parcel 53-1W. For some reason, this Planning Commission has decided to delete my property and the property of my other family members from the Urban Service Area. The main service line that connects Route 17 area crosses my land and that of my brother and sister, and we have had to provide an easement to Stafford County since its conception. Also, I have been recently notified that the main water line connecting Rocky Pen Run Reservoir and Chatham will be installed requiring additional easements. It's going to run right along the sewer line. For the past fourteen years that I can speak to, which includes the ten years that I served on the Utility Commission, the Utility Department and Board of Supervisors have encouraged the use of County utilities to the extent of crafting an ordinance that states that if you are adjacent to a utility, all new construction must connect to that service. This would help pay for the infrastructure and the maintenance of the utility while providing a safe and sanitary service to County residents. It seems to me that this Planning Commission, in its quest to revise the Comprehensive Plan, is trying to override that ordinance and the direction of the Utility Commission and the Board of Supervisors. This property is in a prime location for development, which you already have spoken to, with close access to I-95 and all the new shopping conveniences on Route 17. Why would you even consider not including us in the Urban Service Area? It just doesn't make any sense. I hope you will reconsider your decision and make that change before this adoption. If I have got to provide Stafford County with access to my property, Stafford County should provide me with access to water and sewer.

Mr. Schwartz: Thank you.

Kay Dudenhefer: I consider myself about average intelligence, I'm not real smart. But if you are going to bring eighty to ninety thousand people to this County in the next twenty years, there is not a single road on there. Can you imagine the gridlock on 610 and Courthouse Road? The Falmouth interchange... oh, I can't wait to see what that's going to look like. I don't see how this makes any sense. This is supposed to be a twenty year plan? This is a short-sided document. Thank you.

Planning Commission Minutes
October 6, 2009

Mr. Schwartz: Thank you. Next.

Skip Causey: Good evening ladies and gentlemen of the Board and the Planning Commission. Yes, a lot of us would like to have our houses back on the map. But, more importantly, I was a member and sat on the original Steering Committee for the Comp Plan. I am rather surprised; a little bit disturbed, that it seems to... I think someone talked about the political lines, gerrymandering comes to mind. And we've heard a lot today and the more I look at it the more it is crafter around political lines more so than it is lines in the County that need to be for our growth on a twenty year plan. I heard a lot today about build-out and there was an outside analysis about how many people were going to come to this County, of the growth, of the National Capital Region which we are a part of and we are trying to hit that capacity at the build-out. The build-out is not something that happens, because if you take every single amount of land available and try to build it as it's done, not everybody wants to build all those lots every single time. I notice that you have half of that build-out in the USA, the other half out. Why? I thought we were trying to design the growth in the growth area so that we would gear them and push that growth towards the roadways that we have, the schools that we already have, the fire and rescue that we already have. Why not put it there? Why not encourage it to go there instead of right now this plan looks to encourage the sprawl that has already happened in this County already. The biggest problem that I see on here is the Urban Service Area has been restricted way too much. We are trying to get these areas taken care of, we are trying to get growth, we are trying to get commercial growth. We are also trying to take care of the residences in this County and to make sure they have the areas and the growth and the opportunities to move into. It looks like this plan, again, all these numbers were coming out of the 2006 timeframe. When the Comp Plan Steering Committee at that time, I was on there, and what has gone from past everybody has done this plan out of fear of what was happening back then. It was a housing bubble; we all know that, we all agree. We are not in a housing bubble now. This is going to be a long time until this economy turns around. Thank you.

Mr. Schwartz: Thank you. Is there anyone else that would like to... yes sir.

Douglas Brown: I wasn't going to speak tonight but I have been involved in the planning process since 2006. I have been to many of the Steering Committee meetings, I went to a lot of the subcommittee meetings... I tried very hard to stay abreast of the thinking, of what was the thinking that was going to guide the growth of the County for the next twenty years. I am a planner by trade, I am interested in it personally and I was concerned about it. So I tried to stay involved. But it was very difficult because the plan took many shifts and turns throughout the time. I guess what I would like to say about where we're at today is that I hope that this document is adopted by both Boards because it seems as though it's a consensus document. You know, maybe everybody is not happy but that tells you maybe there is a lot of good in it. I do hope that... let me back up for a second. My planning training tells me that these are policy documents and that they are really kind of an aerial view, they are a high level view over a long period of time of what are the good things that the County wants to encourage. And a lot of the comments here tonight were about the parcel level decisions that were made on the map and obviously if you are going to do a map you have to draw lines somewhere. And there are probably reasons for some of the decisions and some of the people aren't aware of those and that goes back to the public input process and the changes taken. But I guess what I am saying is that this is a policy document, it's a guide, and I hope that it is not interpreted as the Bible in that it is in stone now. The people who are here tonight who had questions about particular parcels of land, I hope that in the future, if they can make a reasonable case why they are adjacent to the Urban Service boundary and why they are excluded or not and could have that considered at the time, I think that would be a big help. Again, I do hope that you adopt this tonight. There is obviously politics and personalities involved in this. I think it is a big step

Planning Commission Minutes
October 6, 2009

forward here; it's not perfect but I think it's a big step forward. I hope you go ahead and adopt it. Thank you.

Mr. Schwartz: Thank you. Anyone else like to speak?

Patricia Kurpiel: Good evening Mr. Chairman and members of the Board and the Planning Commission. I am asking you, please do not approve this Comp Plan until the following four items are included: (1) please put the Financial Impact Model, the FIM, back in. By a unanimous vote of thirteen people who served on the original Steering Committee, they saw the FIM as a very desirable element. Number 2, please do not allow the excursion of sewer out as far as Hidden Lake, basically to the Fauquier line. The cost is fourteen million dollars and that does not include the cost of easements nor the cost of moving utilities. The cost to the users of that sewer will be astronomical. Number 3, the number of residential units is understated. Please include at least 7,000 units for the redevelopment areas. That is the number that Economic Development has come up with. And number 4, this plan is really not feasible, it is not defensible and it is not valid because the transportation element has not been addressed. This plan needs almost two billion dollars for roads. FAMPO has identified six hundred million from the feds, the state and local money to pay but that leaves a shortfall of 1.4 billion. You have the authority from the General Assembly to charge new development transportation impact fees. That would pay the whole 1.4 billion. If you are not willing to charge new development for their fair share, then I am asking you to remove units, residential units, from this plan down to the point where the monies that we have will be adequate to pay for the roads. In other words, there's a match. And so that brings us back full circle to the FIM. If you knew what 1.4 billion dollars was going to do to taxpayers over twenty years, you would not be approving this plan. If you had use the model, the FIM model, back in October when you dismissed comprehensive impact fees, you could have easily weighed the benefits and risks of taking on road maintenance in exchange for total infrastructure costs, not just infrastructure costs for roads. If you were using this model, gentlemen and ladies, you would not be spending six valuable months of Board time to nit-pick a one year budget. It would be very clear to you the direction that you needed to give the County Administrator and the schools. Thank you.

Mr. Schwartz: Thank you. Next.

Jo Knight: Good evening. I have lived here all my life, been a commercial broker for many, many years. And I can tell you that you have all but eliminated the small business person from doing any venture on his own. And I can give you an example of something that this particular plan, I think, is a terrible mistake. You have got properties that are right in the middle of what you have got planned commercial and Urban Services Area that are currently zoned, the underlying zoning may be agricultural. The use on the property is grandfathered and a commercial use today. If those folks wish to sell that property or they die and the family wishes to sell that property, they have to go in for not only a rezoning but a Comp Plan change, a Comprehensive Plan amendment just simply because the old stagnant zoning was left in the plan to be planned use. That's the way it was done. This may not sound like a big deal; I can tell you, it is a big deal. No longer do you allow a simultaneous rezoning and Comp Plan amendment. So, the person who is interested in using this property for another use, anything to adjust it a little bit from what the previous use was, it's not deemed then to be grandfathered. They have to pay thousands and thousands of dollars to have the Comp Plan amended and it takes great lengths of time, six months to a year to maybe even amend the Comp Plan and then to get the rezoning, who knows... six months to another year. And each time you've got to have an attorney involved. Today the average person can't deal with any of it without having legal advice. All that costs you thousands. So, the small businessman who has been the backbone of Stafford that I use to be able to entice here somehow, they are all turned off by it today and I think it's very wrong. In three minutes

Planning Commission Minutes
October 6, 2009

time... I could go on with some other things, but in three minutes time we are very limited. And it's a shame we didn't get an opportunity to present publicly before the Planning Commission... well, anyway, then before the Board of Supervisors. Thank you.

Mr. Schwartz: Thank you. Anyone else in the chamber would like to speak?

Mr. Fields: Alright, if that's all the comments then at that time we will close the Planning Commission public hearing.

Mr. Schwartz: And we will close the Board of Supervisors public hearing. And, Mr. Fields, it's all yours, and I would suggest that the Board members just push back a couple of feet because the discussion is now limited to the Planning Commission.

Mr. Fields: We now bring this back to the Planning Commission. At this time, I would like to ask are there any members of the Planning Commission that would like staff to answer questions raised by members of the public during the public hearing? Does anybody have anything?

Mr. Howard: Mr. Chair, one, really two things that came up I think in order to get some answers for those in the audience. And, Ms. Knight just asked but it was asked in several different ways, in terms of, and this kind of grandfathers the... and this can be for Mr. Harvey or whoever else on staff wants to answer this... this seems to grandfather the existing conditions as is and, this is the question I asked Mr. Harvey earlier, I used a different scenario but we certainly could use Widewater, if it is designated a park today and let's say their current designation is A-1 and that is what they are grandfathered as but yet they want to make a change and go to A-2, do something that requires them to go to A-2, a lot of concern in the audience about what exactly does that mean to them as an individual home/land owner? So, if we could get some clarity around that I think that would be helpful.

Mr. Fields: Absolutely. Mr. Harvey, can you answer Mr. Howard's question?

Mr. Harvey: Yes. If I understood it correctly, if someone has a piece of property that is currently zoned A-1 or A-2 and it's designated for some other use besides that...

Mr. Howard: In the Comprehensive Plan, right.

Mr. Harvey: In the Comprehensive Plan, if the person wants to change the use of their property, they can individually petition and, as Ms. Knight indicated, it would be a rezoning application. At that point in time, they would be evaluated against the current Comprehensive Plan that exists when they make the application. They have the choice whether to submit an application for a Comprehensive Plan Amendment or not for their specific piece of property. That would help the County in its deliberations on that particular piece of property because, again, one of the major factors you look for is whether it is consistent with the Comprehensive Plan or not.

Mr. Howard: Or compatible, I guess, to surrounding properties.

Mr. Harvey: Yes.

Mr. Howard: Okay. And the second, I think there was a theme on and maybe you can just shed some perspective on the transportation piece of this while, I think it was Mr. Hess who, or maybe it was Mr. Zuraf who went through components of that within this plan. When you look through the actual plan,

Planning Commission Minutes
October 6, 2009

there is no detail or specifics in terms of whether it's proposed new road improvements while there are some addendums in there that have suggestions when you get to the final map, in the transportation map there is nothing in there that is part of "the plan". So, is that true and, if not, can you clear that up. And why, if it's not true, what is the thinking behind that so everybody understands that.

Mr. Harvey: Yes. This plan document addresses transportation in a very general form. Currently we have a separate transportation plan element and we have a transportation plan model. The model is based on the inputs from the Land Use Plan. So, we have a little bit of a chicken and egg situation in that in order for you to know all your future road improvements you have to know what land uses you anticipate in the future. So, we can address it in the Comprehensive Plan to a limited fashion but we really can't get into the details of specific recommendation for right-of-way widths and types of roads and where new roads need to be until we get a better bead on the land use side of things.

Mr. Howard: Thank you.

Mr. Fields: Any other members of the Commission that have questions that they feel need to be addressed by staff? Anybody? Alright. Actually, I have one question and I don't mean to put Mr. Baroody on the spot. If you don't mind me asking you a question... Well, what I think I am getting at is I think everybody would understand the concerns expressed about the concept of the small business owner being confronted with the concept of trying to convert a piece of property from A-1 into a viable business use with a Comp Plan amendment, etcetera, etcetera. Currently in the Economic Development Department, do we have assistance and/or systems to assist and/or fast track that type of thing?

Mr. Baroody: Mr. Chairman, Tim Baroody, Deputy County Administrator. To your question, we help small businesses every day to the extent they come to us for services. Obviously, we do work to assist them through the process as we, when appropriate, bring appropriate County agencies to the table to assist them through processes. I think that's how I will answer your question.

Mr. Fields: Okay, do you think... and again I don't mean to put you on the spot, I didn't give you a heads up that I was going to put you on the spot so I respect that... but I guess what I am getting at, do you think would it be something for future consideration for perhaps the Economic Development Department or perhaps the EPA, the Planning Commission and the Board of Supervisors working together to see if we could improve, streamline and perhaps facilitate some of that? Because it seems to me that if you have A-1 property and you want to bring it into commercial. That is obviously to the benefit of the community, however, even with the most noble use there are always impacts that need to be mitigated. Is there a way that, other than arguing about whether it should or should not be done this way for the Comp Plan, is there a way we can address the very legitimate problems that have been raised? Is that something we could look into? Do you think we could make improvements? Do you think we could find a way to solve this and do better in this County?

Mr. Baroody: Absolutely. I think there is always room for improvement through the processes and we could gladly bring them through a process we could collaborate with the Planning Department and find ways to work them more smoothly through a process. I would tell you though that it would be few and far between that folks would want to come through a process they would typically go through a process under which they understood sort of the potential. If that means they are constrained to a USA, I think they are going to be compelled to follow that guidance. What I am trying to say is it is not likely that they will come and seek approval through a process when they can go inside the USA to achieve the same goals.

Planning Commission Minutes
October 6, 2009

Mr. Fields: Certainly. But if a person did happen to own a property and they had that desire, there are possibly ways we could improve that process.

Mr. Baroody: I believe that is a fair statement, yes sir.

Mr. Fields: Thanks very much, Mr. Baroody. Again, thank you for stepping up off the cuff like that; that's very good. Mr. Zuraf?

Mr. Zuraf: Yes, I do have information in response to Ms. Kirkman's question about Crow's Nest area. We have some mapping to kind of explain that situation.

Mr. Fields: Okay.

Mr. Zuraf: Can we go to the computer please? We have mapping that identifies there were three alternatives from the Fish and Wildlife Service that recommended proposed refuge boundaries. Alternative A was a no action option. Then Alternative B was a second option which the bold line identifies the proposed refuge boundary. In this action, that pretty well matches up... well, it's actually a little smaller than what we have designated, what we have proposed on the land use plan. That area encompasses 2,900 acres. If you go to Alternative C, that is the bold line you can see it encompasses a much larger area; it goes out to Brook Road like the previous version had. It does actually then go across Brook Road to the north into areas where there are now subdivisions and then to the other side of Potomac Creek. This large area bounded by the bold black line encompasses 7,480 acres. This option C was the preferred alternative in the study that we have.

Mr. Fields: Okay, thank you Mr. Zuraf. Are there any other questions from the Planning Commission for staff or regarding anything raised in the public hearing? Alright, if not, I will entertain now a motion regarding the Comprehensive Plan recommendation to the Board of Supervisors regarding this Comprehensive Plan. Do we have a motion? We've got to have a motion folks. It's time to make a decision... one way or the other.

Mr. Rhodes: Mr. Chairman?

Mr. Fields: Yes, Mr. Rhodes.

Mr. Rhodes: I make a motion that we retain this in committee for further work and review. I have long had significant concerns over the strong prescriptive language while we still say it is a guide. If it is just a guide, then it should be just fine to go with less prescriptive language. I think we have some wording and work to do there. I think we lead ourselves into unintended consequences. In addition, there has been some points raised tonight about where we have identified for park land in certain areas, and additionally I doubt we will ever get the USA perfect but certainly if we are going to take a little more time we could relook at that. So I would make a motion that we move it back to committee for some further review.

Mr. Mitchell: Second.

Mr. Fields: Second by Mr. Mitchell. Any discussion on the motion?

Ms. Kirkman: Mr. Chair, I am going to oppose the motion to retain it in committee. I believe the Board went to the trouble of requesting this joint public hearing with the expectation that we would come out

Planning Commission Minutes
October 6, 2009

with a recommendation tonight. We have been working on this for years. Any further issues can be addressed through additional amendments to the Comprehensive Plan. So, I am, at this time, going to make a substitute motion and recommend for the Planning Commission to recommend approval tonight of the draft Comprehensive Plan.

Mr. Fields: Just making sure... I know better than to ask Mr. Howard or Ms. Kirkman about a procedure on this issue but I do want to ask do we have an issue with a motion for referral to committee being substituted for a motion for action. I just want to be clear about that, for my own edification.

Mr. Howard: Ms. Kirkman is allowed to make that motion and then if it was seconded, we can then go back to discussion. Normally what would happen, Mr. Fields, is the person who made the motion could speak first but, in this case, you would recognize Ms. Kirkman.

Mr. Fields: I just want to make sure because they are slightly different types of motions; a deferral versus action. So, I just want to be clear on that. Mr. Howard, Mr. Nugent, you concur on that?

Mr. Howard: Oh, that Mr. Howard.

Mr. Joe Howard: I would agree. Thank you, Mr. Howard, and Mr. Howard as well. Is there a second to Ms. Kirkman's motion?

Mr. Di Peppe: I would like to second it for the point so we could have discussion.

Mr. Fields: Alright, the motion is now on the floor. Mr. Rhodes, do you want to speak first or do want to allow Ms. Kirkman to speak to the substitute?

Mr. Rhodes: I have made my comments, thank you.

Mr. Fields: Okay. Ms. Kirkman?

Ms. Kirkman: I have made my comments as well. I do wonder if we need to hear from our attorney about any particular procedural issues regarding the main motion and the substitute motion.

Mr. Nugent: The motion that was seconded... Mr. Chairman, excuse me. The motion that was seconded was Ms. Kirkman's motion?

Mr. Fields: Both motions have been duly seconded. Her motion was a substitute.

Mr. Howard: What's on the table now is Ms. Kirkman's motion.

Mr. Fields: Right.

Mr. Nugent: That is appropriate for discussion.

Mr. Fields: Okay.

Ms. Kirkman: I guess I was asking in particular I know that our attorneys have been working very carefully and that there has been a lot of discussion back and forth between the Planning Commission and the Board of Supervisors about the joint public hearing. And clearly there is some thought into why

Planning Commission Minutes
October 6, 2009

we needed to have a joint public hearing tonight to move this process forward in an expeditious manner. What would happen if this was deferred now versus a recommendation made to the Board of Supervisors?

Mr. Joe Howard: Mr. Chairman, I was going to try to comment on Ms. Kirkman's questions.

Mr. Fields: Did you want to make a point before Mr. Howard spoke?

Mr. Mitchell: I would rather hear his explanation and then...

Mr. Fields: Okay, fine.

Mr. Joe Howard: If the Planning Commission decided to retain this and not make a recommendation at this time, then the Board would not be able to move forward with action until it had received a recommendation. So, if the Planning Commission decided to retain it, defer action, keep it in committee for a meeting or two, then a recommendation would not go to the Board until that time. The Board would not be able to take any action until after that recommendation. Under the Board's bylaws, the Board does not act on land use matters, including Comprehensive Plan amendments or adoptions, during the months of November and December. And so, if it was retained and action was not taken before the Board's next meeting, then it would be acted on next year is the way I would understand that.

Ms. Kirkman: Which would mean when the new Board was sworn in, is that correct?

Mr. Joe Howard: That is correct, yes.

Ms. Kirkman: Okay, thank you.

Mr. Fields: Is there any other discussion on Ms. Kirkman's motion?

Mr. Mitchell: I am very concerned about the people that spoke tonight. I am very concerned about their concerns. There were a number of quality issues that came up and I sincerely appreciate each person... and I say this from the bottom of my heart... each person that came tonight and brought issues to this Board. So I cannot support Ms. Kirkman's motion. That is the reason I seconded Mr. Rhodes' motion, because I think we need to go back and do some revamping. Once this thing is passed, it is really kind of locked in stone for quite some time and I believe we owe the citizens of this County, short-term, medium-term, long-term citizens of this County, we owe them the right to be heard and to hear their comments tonight and then just vote on it like they didn't speak. I heard you. I heard you speak. Thank you. And I cannot support Ms. Kirkman's motion.

Mr. Fields: Alright, is there any other discussion? Mr. Di Peppe.

Mr. Di Peppe: I seconded it because I thought it would be important to have this discussion. And you are looking at the Chairman of the Comprehensive Plan for the Planning Commission. I was Vice-Chair of the committee for two years and then finally I was Chair and there was nobody that spent more time with this plan than me. So, with your indulgence, just a couple of observations, because it will be absolutely impossible for me to satisfy everybody and explain everything that I heard tonight. But, a couple things I think along this motion. I was against the joint public hearing for the same reason all of you were because I always like the public to have two bites of the apple. I would like you to be able to come before us, have your points, then go before them. I believe, and I was part of the compromise, to

Planning Commission Minutes
October 6, 2009

have a joint public meeting because, as it was stated at that time is... and we had been working on it for three and a half years... if we didn't come to some kind of decision tonight, because of the Board of Supervisors bylaws, you were not going to see a Comprehensive Plan until some time next year. Now, what does happen, and in fact you are supposed to have a re-evaluation of the Comp Plan every five years. We don't do that. When we started this process, the big complaint was we hadn't done it in years and originally had been given a nine month timeframe to do it and it took three and a half years. And, as you can see, it's complicated. Everybody out here tonight, I think it's terrific because you cared enough. And 120,000 people, we didn't even fill this room. And this is the twenty year plan. But it is a guideline. It is saying move forward into the future of the next twenty years. And I was here twenty years ago and I can't say I was happy with what happened in Stafford County in the last twenty years. And part of what we were attempting to do was to make some suggestions perhaps to correct some of those problems, whether it be simple things like when we draw the lines don't draw them along roads or across parcels, but to draw them with whole parcels because we were causing problems for you. No matter where we draw the utility line there is somebody that goes "I'm right next to it". And if we draw the lines again and move them forty yards or four hundred yards, the next person comes in and goes "but I'm right next to it". So, it's in some sense arbitrary and capricious; I understand your feeling, it's arbitrary and capricious. No matter where we draw the lines, it's arbitrary and capricious, because at some point we say we are going to put it here, we are going to put it there. I am not expecting you to cry for me, okay, I am just saying these are some of the limitations of trying to do an honest and fair job by everyone. Some of the people... a lot of the people... have very honest, sincere complaints. Some of the complaints are erroneous and spread rumors that they know aren't true. That is one of the most frustrating things about being in government because, I know everybody on here, some of us agree, some of us don't agree... everyone here really cares or they wouldn't be spending this much time. Okay, but back to the point. We could go on forever. Is this cast in stone? No, because we have Comprehensive Plan amendments come before us all the time with people changing it on a regular basis. And we are supposed to be looking at it every five years and we haven't done it for a lot longer than that. So, it is extremely frustrating for me to sit here and have to vote no or to put it... because essentially putting it in committee is killing it. Now, a lot of you go "good, because it's not what I want". But I will tie this up... Your taxes, and not only your taxes but everybody in Stafford County taxes, are directly tied to the cost of maintaining infrastructure. So when the State says you are going to grow by 26,000... and they gave us a number; we didn't come up with that number. The State said "you are going to grow by this much; do the plan". So when you grow by, say you choose the number 26,000 new homes, you have to look at it and go "where are we going to put them, and how much park land and how many libraries and what is our administrative and how many schools are we gonna have". We have looked at all of that. I agree with Ms. Kurpiel. One of the saddest things is for the first time in the history of the Commonwealth of Virginia, and Stafford County was the leader, it says we need a financial impact mode. How about for the first time in history that we put a plan... no matter what, people could pick apart any financial impact model, but this is a very simple one. We know what our present infrastructure costs. We know it; we pay it, you pay it. And if we grow by this much more, how much is that going to cost? This is not rocket science. But for the first time in the history of the Commonwealth, a locality said that individual citizens have a right to know the financial implications of growth decisions. And you know what happened? This is just the shell of it, and you paid for a tremendous amount of staff work and you're right; it took place in 2006. Did we know the whole bottom was going to fall out a year ago? No we didn't. But it was true and honest work based on that, based on what we were currently paying. And as we project out, what we could expect to pay in the future, and you have a right to see that information. They took it out, and it has already been done and it has already been paid for and you have a right to see that. And the financial impact model was a huge thing to have for you, no matter whether you were a republican or a democrat or independent, so you could know what the implications for your wallets were going to be. We have to do something. And

Planning Commission Minutes
October 6, 2009

I'm not saying go ahead even if it's wrong. I am not saying that. But we were all long overdue when the process started and it's three and a half years later. At what point are we going to satisfy everyone? Never. I was very... I want to say this real quick... I am extremely impressed. I hope when you saw that presentation you were extremely impressed with the breath and width of what staff did and what their guidelines and goals and policies... you might not agree with every goal or every policy but you can't say they didn't do yeoman's service and they are to be commended. Our staff did a fabulous job and this is a lot to this plan that you ought to be proud of. Are we goring some oxes? Every single time we make a decision we gore somebody's ox. Are we ever going to stop that? No. And at six months from now we are not going to be goring somebody else's ox? No. But we are existing... original land use plan, help me out Mike. We are under a land use plan from the 1980's?

Mr. Zuraf: Seventy-nine.

Mr. Di Peppe: Seventy-nine. Yeah, we are existing under a land use plan that was devised in 1979...

Mr. Zuraf: There was an update in 1988.

Mr. Di Peppe: Okay, there was an update in '88. That's twenty years we are still operating. I think the County has changed some and needs some recommendations because I don't think any of you are real crazy about what has happened the last twenty years. And we did take an honest look of where we've been. We looked back fifty years. And we did look forward and say we are going to have this much growth. And let me tell you, I'm not going to satisfy every one of you, but we did an honest attempt, and I don't think in six more months or sixty more months... because if we satisfy all you, we are not saying we shouldn't listen to you, there will be another crowd in here who will be on the other side saying "what did you do that for?" At some point you have to move forward and I think there is enough in this plan... and believe me, I am real unhappy with parts of it, because it extends the Urban Service Area and we require other people, the other 100,000 people that aren't in this room, to subsidize the growth. Unless your house appraises for over \$700,000, it doesn't pay for the average services that housing provides. So, every time we build one hundred homes, we reach into your pocket and your pocket and my pocket and his pocket. That is just the flat-out truth; residential growth doesn't pay for itself. If we don't get control of it, you think of twice, three times the taxes you're paying now. It might be twenty years out but that is the implication of not doing anything. So, is it perfect? No. But it's a lot that's good and I was planning originally to vote no because I didn't think it was tough enough. But, I think, the worst thing, not making a decision, is still making a decision.

Mr. Fields: Mrs. Carlone and then Mr. Rhodes.

Mrs. Carlone: Okay, some of you I have known for about twenty-six years, talking on both sides of the podium, and you know I've been fair and tried to be as fair as possible, and have looked, answered questions, taken very mean phone calls... it's part of the job. But when you all sit out there and make those comments and applaud when someone carries on, there's a problem there. We deserve a certain amount of respect. We try and be, like I said, as fair as possible. Now, I would like to make a friendly motion to this if this is possible.

Mr. Fields: To Ms. Kirkman's motion?

Mrs. Carlone: To Ms. Kirkman's recommendation to approve. I would like to have the FIM put back in. There is no way it should not be in there, and the Board asked for it to be removed... it should be in there. Now, the second thing...

Planning Commission Minutes
October 6, 2009

Mr. Fields: Mrs. Carlone, I understand the intention but I'm not sure that something of the magnitude can be changed.

Ms. Kirkman: Mr. Chair, as the person that was asked to accept the friendly amendment, what I would suggest to the respected and honorable Commissioner from Hartwood is that my understanding is we cannot make a change of that substance without re-advertising the public hearing. So, what I would suggest is after we vote up or down we can also go through a series of recommendations that we would make to the Board. For instance, one of those recommendations could be that the Board send to the Planning Commission should they adopt the plan tonight they could send an amendment to the Planning Commission that returns the FIM to the plan. I think that... if you would accept that Mrs. Carlone.

Mrs. Carlone: Yes, certainly.

Mr. Fields: Alright, Mr. Rhodes.

Mr. Rhodes: Mr. Chairman, thank you. My good friend, Mr. Di Peppe, has sat in since the beginning and I sat with him on a lot of that. And I don't think either probably he has spent the most time with this or maybe Patricia Kurpiel in her efforts that she put into it at that time. And I would also highlight that I appreciate the way Archer has tried to work towards a good solution because he took a lot of slings and arrows in the process there. But I would also highlight that after three years and nine months, and I started off with you there and goofed off for a little while then came back, I don't think a few more months are that bad to address and address the many issues that were raised here. Quite frankly, to get our language right I don't think we should... if we force ourselves into it, we are going to do something bad and something wrong and so, therefore, I will oppose the substitute motion. Thank you Mr. Chairman.

Mr. Fields: Mr. Howard.

Mr. Howard: Mr. Chair, thank you. First, I have been in Stafford County since 2001; came down right after 9/11, I was a proud New Yorker, I am proud to be a Virginian and living in Stafford. I don't think we had one of our proudest moments earlier. Mr. Chair, normally we don't address each other but Ms. Kirkman, I want to apologize on behalf of what occurred. I know it is not necessarily my role to do that but no one, under any circumstances whether they are an appointed official or an elected official, should be spoken to in the manner that you were spoken to and it's not appropriate. It needs to be said, I think both Chairmen did a good job of controlling the individual and we moved forward with what I think will turn out to be a very positive meeting outcome, I hope, for the County's sake. And we just cannot allow that behavior. You could argue maybe this is what you call an accumulative affect; whatever happened, that was not appropriate. And then I want to talk about why I am going to vote the way I am. First, all costs and benefits, and I think Mr. Di Peppe said this, cannot be quantified and verified and sanctified or just because you scrunch numbers, it doesn't necessarily mean that that is going to be the exact outcome. And I think the FIM should be included. I couldn't agree more with Mrs. Carlone and without that as part of this, knowing that the last one raised taxes excluding inflation by 150 percent by the year 2028, and I think I have some understanding of why that is the case. I don't think that is factual by the way, but I think that's what the FIM indicated. I run an enterprise that I am responsible for; it's five billion dollars annually. I know about numbers. I know about hitting budgets and spending the right amount of money to get the right amount of results. And I want to say I think a great deal of work has been done on this Comprehensive Plan and Mr. Di Peppe and the whole subcommittees that worked on this, as well as the staff, the public that participated in 2006, I think everybody had some input and I think, from a

Planning Commission Minutes
October 6, 2009

positive perspective, many voices were heard. Of course, it's not a perfect plan. But there are some glaring opportunities and I am on the camp with Mr. Rhodes here; I don't think three months makes a difference. In fact, Planning Commissions, way back when, were originally conceived as a means of keeping planning out of politics. Can you believe that? A more realistic view is that Commissioners should be kind of like a halfway house between the number makers and the politicians so that planning is neither wholly numbers nor wholly politics. And we are at an interesting, I think, pivotal moment in the County and I sure would like to see a unanimous decision with comments of recommendation that this plan go forward in January or February. We have to make some changes, I think definitely some language changes, the shall or should and may, and I also think the FIM has to be included. And I would challenge all of us because I think there are some great goals and aspirations in here, but there is not detail where, as a businessman, I want to see some of the detail on the how and the actions. It's not in here. It's well intended; there are some great goals and aspirations. That's why, when you get to the FIM, you would say "we are going to increase taxes by 150 percent" in the year 2028 which we don't even have that money, so it's not even possible to do that, right. So you can't have a budget that you can't reach. We'll be in a deficit like the United States is, but hopefully Stafford County doesn't allow that to occur. And I think going backwards one or two steps, getting some additional details... and I think the roads, I appreciate getting Mr. Harvey's explanation, but I have to tell you; here's one example, here's where we had some detail. Two hundred fifty thousand square feet of government office space is going to be increased which excludes schools, fire stations and libraries, right? Okay. However, there are no road improvements or new road designations in the plan with some costs in there so we truly understand what is the implication. And I understand about the road width and all that; I get all that, but there has got to be something in there that talks to that and it's just a small gap. These aren't huge gaps. This plan has come a long way. There has been a lot of hard work. I am going to vote no to Ms. Kirkman's proposal because I would like to see this come back to us. We will have two months, no politics involved, get to the down and dirty on this, make it a little bit better... it is never going to be perfect to Mr. Di Peppe's comment, absolutely, no one is striving for that... and then next year we get this thing off and running. But, those are my comments.

Mr. Fields: Thank you Mr. Howard. Any other discussion points from any of the Commissioner members?

Mr. Di Peppe: One more sentence.

Mr. Fields: We will allow you to because we all that you have earned the right from three and a half years to speak on this, so...

Mr. Di Peppe: Two sentences. The FIM does not raise your taxes 150 percent. The FIM is the messenger that says if you add 26,000 homes to this County, you are looking at a huge increase of infrastructure that could very well may increase your taxes 150 percent. It doesn't raise it; it just says "hey".

Mr. Howard: It's a financial impact model that models what's in the plan.

Mr. Di Peppe: Well, the plan is just to say if the State says to you, "you are going to get 26,000 more homes", how many more schools, how many more fire stations, how much more police, how much more parks and libraries and everything else, so it doesn't increase it, it just says "okay, we've got this many schools now, add 26,000 homes". We know the metric of how many students on average we get per home, so it's not rocket science to go "you need this many more schools". There is a school proposed in

Planning Commission Minutes
October 6, 2009

South Stafford now; what are they saying? It's well over a hundred million dollars for the new school. What is it, a hundred and fifty million dollars?

Mr. Fields: I hope not.

Mr. Di Peppe: Okay, for one school... one school.

Mr. Howard: Yeah, that's about right.

Mr. Di Peppe: A hundred and sixty million dollars for one high school.

Mr. Howard: One high school.

Mr. Di Peppe: That's just a facility. So, all the FIM is saying is if you make decisions for this much growth, which the Commonwealth of Virginia requires us to do, what does that mean. So the FIM is saying it means this; X amount of schools equals this much dollars based on what you are paying now.

Mr. Howard: But, Mr. Di Peppe, I appreciate that and I call all of attention to the fact that we, as a part of our recommendation in this Comprehensive Plan, are increasing residential units and homes which, to your comment earlier... My point is I think if we got to a FIM that as more realistic because we had some more specifics or specificity around some of these goals and aspirations, it would be a better working document going forward.

Mr. Mitchell: Mr. Chairman, I would like to mention Mr. Di Peppe, Ms. Kirkman and myself were the final three members on the subcommittee. We met numerous evenings, we met sometimes with quite a few people, we met sometimes with just us and staff. We went over many, many issues. I have always felt that this Comprehensive Plan was too restrictive and I also felt it restricted commercial development. I believe in my heart that putting the commercial development will bring the jobs, will bring the tax base, will bring the quality that we do want. We have always said to increase our commercial entity versus our residential entities. So, the thing that I see is waiting two months, two and a half months, we could tweak it and bring it to a better finality. We could discuss a number of issues that were brought up here tonight, and I appreciate those and again I thank you, but I do not believe in my heart that waiting just another two months is going to be such a terrible impact. And, like we've all said, no one is beating on our doors trying to say "here, let's give you this". There are no big home builders out there saying "we are going to build six hundred homes in a corner of your County". I do believe that the competition is out there, it's fierce, it's tough; we will need a strong I guess concerted effort to bring these types of jobs to Stafford County but I do believe tonight we do not need to jump in and make this motion and make this approval tonight. I ask my fellow board members to consider this, consider two months. Arch Di Peppe, myself and a number of others on this board sat, years ago, upstairs in a room, we all met on a Saturday morning, we spent probably three or four hours up there... you were up there Pete. It has come a long way. Is it perfect? No. But I do think that another two and a half or three months could make a difference and make it more perfect. It is never going to be perfect but it will make it more perfect. Thank you sir.

Mr. Fields: Thank you, Mr. Mitchell. Anybody else? This has been a long time coming and these are not easy decisions. There really is no optimum point. All the points made here by my fellow Commissioners are excellent points, they are well thought out, they are heartfelt, and I know that every one of them was made with the best interest of Stafford County at heart. I have no doubt about that. Occasionally, I think you do have to make certain types of decisions to provide some leadership and to

Planning Commission Minutes
October 6, 2009

provide some impetus to move forward. I served eight years on the Board of Supervisors and two years on the Planning Commission; I have been seeing this issue and grappling this issue, waking up in the middle of the night with my head trying to get around this issue, for ten years, for an entire decade. And it has been a privilege to serve the George Washington District in both capacities and it has been a privilege to serve Stafford County. It's because of that that I understand there are a lot of details that you can always find in a plan. I would encourage everybody and their feelings about this plan to think, particularly on the Planning Commission and I respect everybody's opinion, to realize that this is our vote here as a recommendation as Planning Commissioners and that is a slightly different viewpoint than as a member of the Board of Supervisors or a member of the public. But our job is to really drill down into a lot of detail about and think about planning and think about the big picture and the long term. And my support of the motion tonight is not based on an insensitivity or an unwillingness to listen and work through all of the very many valid important issues raised by the citizens here tonight. I thank you all for coming. I think that is part of the process. I think we can always come up with something better than that. I think the process now of moving forward with this plan, taking it into account starting to make the immediate recommendations that we feel we need to make to amplify or make the plan better is better than delaying yet again. That is not an easy decision. Again, this is a decision you can easily make compelling, rational arguments on either side of the issue and that's certainly fine. I just, in my personal feelings about this, personal experience of ten years of this, and watching this throughout the State and many of those years I had the privilege to serve also as the Chairman of the Coalition of High Growth Communities, so I fought this battle not only on the Stafford level but fought it down in Richmond on behalf of thirty localities and three and a half million citizens in the Commonwealth of Virginia, grappling with the ability to get the Code of Virginia on our side in dealing with this. The bottom line is this, in high growth counties, they are high growth counties because of the zoning that is already in place, which is vested. Most people know vesting means that once your property is zoned R-1 or A-1, you have the right to use that property in this way, and that is fine. That is just and that is how it should be. However, if that property is zoned well, well in advance of the demand or the reality of the marketplace, then you have, under the Code of Virginia, the ability to control or get the mitigation of the impacts of that growth as we have seen. The staggering amount of debt the County has, the staggering rise in home real estate taxes on the average homeowner in Stafford County over the last ten years, it's almost mind-boggling how high real estate taxes have come since I just got on the Board in 2000. This is just nine years later. Those are all results of residential growth that does not pay its own way. Now, I think certainly that the idea that we need to make sure we have local employment centers I am all for. If there is something in this Comp Plan that needs to be better, then let's start working on that with Economic Development. If there are other things that need to be better, let's task those. I know that as soon as this is approved, at whatever point that is, by the Board of Supervisors, I know that myself, Mr. Rhodes and Mr. Howard who form the Transportation Committee of the Planning Commission will immediately jump to work on the transportation plan and the transportation model once we have that data, we have been working on it, we can start rectifying that. So, these are all issues I think that are part of a process. And it is my feeling, all in all, looking at the big picture, that tonight is the night we need to make this plan a reality and then keep making it better. I think the idea that it's a work in progress, a living document, and constantly interactive would be the best result for Stafford County in the long run.

Mr. Rhodes: Mr. Chairman. I would just like to remind that we have had discussions the last few Planning Commission meetings of a lighter schedule expected in the next couple months. We should not let ourselves be forced into sprinting down a path to not provide the right document forward. Ruth, Archer, Pete, we have been involved in this a while; we trust in the faith of the process. Because there will be another Board elected, who cares. Let's give them the right document. Because they put a hiatus in November or December, don't let that drive something a little too early. Let's use this time

Planning Commission Minutes
October 6, 2009

we've got, the next couple months, and the lighter schedules to finish these things and get them right. I would just submit that. Thank you Mr. Chairman.

Mr. Fields: Thank you Mr. Rhodes. Alright, I think it's time... the Board still has a few things to talk about amongst themselves. So, at this point, the question on the floor, and Ms. Kirkman please correct me if I am not saying the question right, but the question on the floor is to approve the Comp Plan as presented tonight.

Ms. Kirkman: Yes, that is the motion.

Mr. Fields: Okay, that is the motion. Alright, all those in favor of the motion signify by saying aye.

Ms. Kirkman: Aye.

Mrs. Carlone: Aye.

Mr. Di Peppe: Aye.

Mr. Fields: Aye. Opposed?

Mr. Rhodes: No.

Mr. Mitchell: No.

Mr. Howard: No.

Mr. Fields: The motion passes 4 to 3. With that, we conclude the Planning Commission's... so the Planning Commission has recommended to the Board of Supervisors that they consider adopting the Comprehensive Plan as presented tonight. Thank you all very much for your time fellow Commissioners and we will see you in a couple of weeks.

ADJOURNMENT

The Joint Public Hearing was adjourned 10:16 p.m.

Gordon Howard, Chairman
Planning Commission