

BOARD OF SUPERVISORS

STAFFORD, VIRGINIA

MINUTES

Regular Meeting

June 2, 2015

Call to Order A regular meeting of the Stafford County Board of Supervisors was called to order by Gary F. Snellings, Chairman, at 3:00 p.m., on Tuesday, June 2, 2015, in the Board Chambers, at the George L. Gordon, Jr., Government Center.

Roll Call The following members were present: Gary F. Snellings, Chairman; Laura A. Sellers, Vice Chairman; Meg Bohmke; Jack R. Cavalier; and Paul V. Milde, III. Robert “Bob” Thomas, Jr., was absent because he was representing Stafford County at a National Association of Counties (NACo) Conference in Washington D.C. Cord A. Sterling was absent from the afternoon session due to a work commitment.

Also in attendance were: Anthony J. Romanello, County Administrator; Charles L. Shumate, County Attorney; Marcia C. Hollenberger, Chief Deputy Clerk; Pamela Timmons, Deputy Clerk; associated staff, and other interested parties.

Presentation Recognizing Stafford County Volunteers Mr. Snellings and Mr. Jeff Shover, (Manager of Citizens Assistance) presented a proclamation and plaques to citizen volunteers who (in total) accounted for 40,500 hours of volunteer service, which amounted to a savings of approximately \$1 Million in staff time. The following citizen volunteers were recognized for contributing in excess of 200 hours of time: Jarret Apicella, 328; Bradley Shelton, 231; Jane Conner, 589; Charlotte Crismond, 890; Melissa Habayeb, 343; Adam Hager, 218; Doris McAdams, 200; Cecilia Miller, 772; Debbie Murphy, 248; Robert Podlesny, 267; Pat Riddlemoser, 600; Valarie Hart, 260; Nick Kopchinsky, 1778; David Kwiatkowski, 387; Mark Seymour, 949; William Smith, 380; and William Tignor, 207.

Presentation by Dr. Bruce Benson, School Superintendent Dr. Benson thanked the Board for giving him the opportunity to meet monthly and bring them up-to-date on activities in the Schools Division. He said that he attended the last performance of the Colonial Forge High School Jazz Choir concert. The Jazz Choir also appeared at the Kennedy Center and shared their incredible talents with a larger audience.

Dr. Benson announced that D.A.R.E. Day would take place on Tuesday, June 9, 2015, at Pratt Park. Board members were invited to attend and participate in the opening ceremonies. Also on June 9, 2015, the BOOTS 23 open house was scheduled at Deacon Road, across from the Food Lion. All five County high schools graduation ceremonies were on Saturday, June 13, 2015, and on June 22<sup>nd</sup> and 23<sup>rd</sup>, teachers, administrators, and central office staff begin working on a curriculum framework, aimed at identifying learner competencies and learner profiles, which helped to increase the complexity of student experiences in kindergarten through twelfth grade. He added that it would also align expectations with the local work force, colleges, and measure outcomes.

Ms. Sellers said that she did a ride-along on a school bus, which was an eye-opening experience. She said she was amazed at what bus drivers knew about their students. She met one student who told her he was failing government classes. Ms. Sellers asked Dr. Benson to help arrange a meeting between her and that student.

Presentations by the Public The following person desired to speak:

Dana Brown - County should identify and record the location of water and sewer lines and keep the information as a matter of permanent record.

Presentations by Members of the Board Board members spoke on the topics as identified:

Ms. Bohmke - Attended the Home Builders reception, talked about open spaces in cluster developments; Sheriff's Awards Ceremony, kudos to the people at Mt. Ararat Baptist Church for their involvement in the success of the ceremony; Eagle Scout ceremony for Cory Lando, he contributed to an outdoor learning environment at Conway Elementary School; Apologized for traffic back-up on Eskimo Hill Road due to the hazardous chemical drop-off on Saturday, May 30<sup>th</sup>; Lake Mooney dedication, Mooney family was there under difficult circumstances.

Mr. Cavalier - Provided an Infrastructure Committee update including changes to the County's pump and haul program to be brought to the full Board on June 16, 2015, Crow's Nest gravel road for easier access to the Preserve; Repairs to the sinkhole at Carl Lewis Park to take approximately 60 days.

Mr. Milde - Noted that the Crow's Nest road will give public access to the Preserve; Attended an R-Board meeting with Mr. Snellings, the Landfill was making good progress; Legislator's Reception hosted by FAAR and FABA; Sheriff's Award Ceremony, bittersweet at it was the last one for Sheriff Jett ("the best sheriff ever"); Lake Mooney dedication, a somber event; Michael Anthony Nichols, Eagle Scout; Community and Economic Development Committee update.

Ms. Sellers - Toured private and public day schools with Ms. Donna Krauss; June 15<sup>th</sup>, attending Commission on Youth meeting about funding, also with Ms. Krauss.

Mr. Snellings - Attended Lake Mooney dedication; the lake is stocked with fish but will not be able to be fished for 3 years; Lake Mooney should be opened on Memorial Day, 2016; Attended the “Mayors and Chairs” event and discussed regional landfill approaches.

Mr. Sterling - Absent from the afternoon session.

Mr. Thomas - Absent, attending NACo Conference.

Report of the County Attorney Mr. Shumate deferred his report.

Report of the County Administrator Mr. Romanello introduced Ms. Amy Southall, daughter of Brion Southall, and an intern in the County Administration office for the summer. Amy is a rising junior at Virginia Tech.

Mr. Romanello and Finance and Budget staff participating in a surveillance call with the Fitch rating agency on June 3, 2015.

The Board viewed a “Move Over” campaign video emphasizing the need for motorists to move over when they see a blue, red, or amber flashing light on the side of the road.

Ms. Jamie Porter, Director of Parks, Recreation and Community Facilities, gave a PowerPoint presentation and provided an overview of Phase II of the County’s Parks Utilization Study. Phase I focused on athletic fields; Phase II’s focus was on recreation and facilities maintenance.

In response to Ms. Porter’s comments regarding future amenities requested in citizen responses to the survey, Mr. Snellings said that he had liability concerns about “adventure sports.” Ms. Porter noted that there were no plans, simply the public’s feedback and its desire to have ropes courses, zip lines, boot camps, challenge courses, climbing walls, wheel parks, and pump tracks, etc.

Mr. Cavalier asked about pool resurfacing, and was told that it would take place in the fall of 2015. Mr. Cavalier also asked about utilizing the old gymnasium at the former Gayle Middle School/Gari Melchers. Ms. Porter said that the County looked into it and was preparing to make use of the facility when the School Division notified staff that it needed the space for storage while Stafford High School was undergoing new construction. Mr. Cavalier stressed that it should be kept on the list of priorities. Ms. Porter said that the seniors were excited about the prospect of having an indoor Pickle Ball facility.

Ms. Bohmke thanked Ms. Porter saying that her department accomplished a lot. She asked about a skate park. Ms. Porter said there were plans to do repairs and improvements to the existing skate park at St. Clair Brooks Park but the Fredericksburg Skatepark Project, LLC, expressed a desire to be involved and that it needed time to raise funds towards its involvement. To date, only \$1,300 was raised.

Ms. Sellers asked if the County had adult softball teams. She said she was asking because her friends all play on Prince William County teams/leagues. Ms. Porter confirmed that the County did have adult softball with games played at Duff McDuff Green Park. Ms. Sellers said that she never heard anything about it. Ms. Porter promised to do additional marketing of the County's adult softball program.

Mr. Snellings thanked Ms. Porter for her informative presentation.

Additions/Deletions to the Regular Agenda There were no changes to the agenda.

Legislative; Consent Agenda Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt the Consent Agenda, which consisted of Items 3 through 17.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Milde, Sellers, Snellings  
Nay: (0)  
Absent: (2) Sterling, Thomas

Item 3. Legislative; Approve Minutes of the May 19, 2015 Board Meeting

Item 4. Finance and Budget; Approve Expenditure Listing

Resolution R15-170 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL)  
DATED MAY 19, 2015 THROUGH JUNE 1, 2015

WHEREAS, the Board appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015 that the above-mentioned EL be and hereby is approved.

Item 5. Finance and Budget; Authorize Technical Adjustments to the Schools FY2016 Budgets

Resolution R15-205 reads as follows:

A RESOLUTION AUTHORIZING TECHNICAL ADJUSTMENTS  
TO THE FY2016 SCHOOLS' BUDGETS

WHEREAS, on April 21, 2015, the Board adopted the FY2016 Schools' Budgets, which was based on the School Board's approved budget request, with the appropriation of the Schools' Operating Fund reduced by the 5% appropriation hold, and the Schools' FY2015 carryover; and

WHEREAS, the School Board adopted its budget based on updated projections, including the local school funding adopted by the Board, and the School Board requested technical adjustments to its FY2016 budgets;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the day of , 2015, that it be and hereby does authorize technical adjustments to the FY2016 Schools' budgets as follows:

	<b>Budget</b>	<b>Appropriations</b>
School Operating Fund	260,884,091	253,872,800
Fleet Services Fund	4,394,476	4,394,476
Nutrition Services Fund	13,654,371	13,654,371
Health Services Fund	34,598,568	34,598,568
Workers' Compensation Fund	564,713	564,713
Grants Fund	12,335,519	12,335,519

Item 6. Finance and Budget; Authorize the County Administrator to Obtain Financing for the Purchase of Eight Replacement School Buses through the County's Master Lease and Amend the FY2016 Capital Projects Fund and Schools' Operating Fund Budgets

Resolution R15-222 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO OBTAIN FINANCING FOR THE PURCHASE OF EIGHT  
REPLACEMENT SCHOOL BUSES THROUGH THE COUNTY'S  
MASTER LEASE AND AMEND THE FY2016 CAPITAL PROJECTS  
FUND AND SCHOOLS' OPERATING FUND BUDGETS

WHEREAS, the Board desires to provide funding for the School Board's purchase of eight replacement school buses; and

WHEREAS, the purchase of the replacement buses will be financed under the Master Lease dated June 6, 2008 (as amended and supplemented, the Master Lease), between the County of Stafford, Virginia and SunTrust Equipment Finance & Leasing Corp.; and

WHEREAS, Master Lease proceeds will be available in FY2016;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that it be and hereby does authorize the County Administrator to obtain financing through the County’s Master Lease for the purchase of eight replacement school buses; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute and deliver such documents as are necessary or appropriate in connection with the financing of eight replacement school buses under the Master Lease, including any schedules thereto; and

BE IT FURTHER RESOLVED that the FY2016 Budget is amended to budget and appropriate funds obtained through the Master Lease as follows:

Capital Projects Fund	\$836,000
School Operating Fund	\$836,000

; and

BE IT STILL FURTHER RESOLVED that:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulation Section 1.150-2(26CFR 1.150-2); and
2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of eight replacement school buses from the proceeds of one or more financings under the Master Lease. The maximum amount of financing expected to be obtained for the equipment is Eight Hundred Thirty-six Thousand Dollars (\$836,000).

Item 7. Finance and Budget; Budget and Appropriate School Proffer Funds

Resolution R15-179 reads as follows:

**A RESOLUTION TO BUDGET AND APPROPRIATE CASH PROFFER FUND PROCEEDS**

WHEREAS, cash proffer funds are available for use by the School on Board-approved projects; and

WHEREAS, proffer funds in the amount of \$1,043,913 are available for the expansion of Brooke Point, Colonial Forge, and Mountain View High Schools; and

WHEREAS, the School Board made a request to the Board that \$1,043,913 in proffer funds be appropriated for the expansion of Brooke Point, Colonial Forge, and Mountain View High Schools; and

WHEREAS, the expansion of Brooke Point, Colonial Forge, and Mountain View High Schools are projects that expand capacity and are included in the County’s Capital Improvements Program (CIP);

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that it be and hereby does budget and appropriate cash proffer funds as follows:

General Fund:	
Transfer to School Construction Fund	\$1,043,910
School Construction Fund	\$1,043,913

Item 8. Sheriff; Authorize the County Administrator to Execute a Contract with Motorola for a Radio System Infrastructure Upgrade

Resolution R15-176 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A CONTRACT AMENDMENT WITH MOTOROLA SOLUTIONS, INC., TO PROVIDE FOR AN UPGRADE TO ITS PUBLIC SAFETY RADIO COMMUNICATIONS SYSTEM AND THE FINANCING THEREOF

WHEREAS, the public safety radio communications system is in need of an upgrade; and

WHEREAS, a functional and supported radio communications system is a matter of life and death and is critical to the health, safety, and property of County citizens and first responders; and

WHEREAS, the County desires to continue receiving the same discounts and benefits derived from its contract dated December 6, 2007 and all subsequent amendments, with Motorola Solutions, Inc. (previously Motorola, Inc.), in support of its public safety radio communications system; and

WHEREAS, the County reviewed the project needs and recommends that the Board amend its contract with Motorola Solutions, Inc., to provide for the upgrade of its public safety radio communications system; and

WHEREAS, the estimated cost of the proposed upgrade is \$2,100,000, and Master Lease proceeds will be available in FY2016;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that it be and hereby does authorize the County Administrator to obtain financing through the County's Master Lease for the purchase of public safety radio communications system upgrade; and

BE IT FURTHER RESOLVED that the County Administrator be and he hereby is authorized to execute and deliver such documents as are necessary or appropriate in connection with the financing of such upgrade under the Master Lease including any schedules thereto; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to amend the FY2016 Budget to budget and appropriate funds obtained through the Master Lease as follows:

Capital Projects Fund	\$2,100,000
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BE IT FURTHER RESOLVED the County Administrator is authorized to amend its existing contract with Motorola Solutions, Inc., in an amount not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000) for a system upgrade to the County's public safety radio communications system, unless amended by a duly-executed contract amendment; and

BE IT STILL FURTHER RESOLVED that:

3. The Board of Supervisors adopts this declaration of official intent under Treasury regulations Section 1.150-2.
4. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County to pay the costs of such buses from the proceeds of one or more financings under the Master Lease. The maximum amount of financing expected to be obtained for the equipment is Two Million One Hundred Thousand Dollars (\$2,100,000).

Item 9. Sheriff; Authorize the County Administrator to Apply for a Community Oriented Policing (COPS) Grant

Resolution R15-220 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR  
TO APPLY TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE  
OF COMMUNITY ORIENTED POLICING SERVICES (COPS),  
FOR A GRANT TO PARTIALLY FUND EIGHT DEPUTY SHERIFF I  
POSITIONS

WHEREAS, the United States Department of Justice, Office of Community Oriented Policing Services (COPS) Hiring Program provides funding directly to law enforcement agencies to hire new law enforcement officers in an effort to create new jobs, and to increase their community policing capacity and crime-prevention efforts; and

WHEREAS, the Sheriff's Office desires to achieve a 30% uncommitted patrol time for community policing services; and

WHEREAS, the COPS Grant will cover 75% of the entry-level salary and fringe benefits of each newly-hired, full-time, sworn career law enforcement officer for 36 months; and

WHEREAS, the Grant will reimburse Stafford County up to One Million Dollars (\$1,000,000) for salary and benefits for a 36 month period for the eight entry-level Deputy Sheriff I positions; and

WHEREAS, the County will be required to provide a local match for the first three years totaling One Million One Hundred One Thousand One Hundred Ninety-two Dollars (\$1,101,192); and as a condition of the Grant, the County must agree to continue the positions for not less than 12 months with a cost to the County of Five Hundred Fifty-eight Thousand Four Hundred Twenty-four Dollars (\$558,424); and

WHEREAS, the Sheriff's Office desires to seek grant funding for eight entry-level Deputy Sheriff I positions through the COPS Hiring Program;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of June, 2015, that the County Administrator be and he hereby is authorized to apply to the United States Department of Justice COPS Hiring Program for a COPS Grant for eight entry-level Deputy Sheriff I positions.

Item 10. Public Works; Petition VDOT to Include Snow Drive, Cornerstone Drive, and Sanctuary Lane within Seasons Landing Subdivision, Section 3 into the Secondary System of State Highways

Resolution R15-186 reads as follows:

A RESOLUTION TO PETITION THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE SNOW DRIVE, CORNERSTONE DRIVE, AND SANCTUARY LANE, WITHIN SEASONS LANDING SUBDIVISION, SECTION 3, INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, pursuant to Virginia Code § 33.2-705, the Board desires to include Snow Drive, Cornerstone Drive, and Sanctuary Lane within Seasons Landing Subdivision, Section 3, located approximately 0.14 miles north of Hope Road (SR-687) to Olde Concord Road (SR-721), off Opportunity Lane (SR-2216), into the Secondary System of State Highways; and

WHEREAS, the Virginia Department of Transportation (VDOT) inspected Snow Drive, Cornerstone Drive, and Sanctuary Lane and found them satisfactory to be accepted into the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that the Virginia Department of Transportation (VDOT) be and it hereby is petitioned to include the following streets within Seasons Landing Subdivision, Section 3, into the Secondary System of State Highways:

Street Name/ Route Number	Station	Length
Snow Drive (SR-2214)	From: Intersection of Fountain Drive (SR-2215) To: Intersection of Cornerstone Drive (SR-2217)	0.05 mi. ROW 50'
Cornerstone Drive (SR-2217)	From: Intersection of Fountain Drive (SR-2215) To: Intersection of Snow Drive (SR-2214)	0.17 mi. ROW 50'
Cornerstone Drive (SR-2217)	From: Intersection of Snow Drive (SR-2214) To: Intersection of Sanctuary Lane (SR-2132)	0.05 mi. ROW 50'
Sanctuary Lane (SR-2132)	From: Intersection of Opportunity Drive (SR-2216) To: Intersection of Cornerstone Drive (SR-2217)	0.06 mi. ROW 54'
Sanctuary Lane (SR-2132)	From: Intersection of Cornerstone Drive (SR-2217) To: 0.12 mi. North of Cornerstone Drive (SR-2217)	0.12 mi. ROW 50'

An unrestricted right-of-way, as indicated above, for these streets with necessary easements for cuts, fills, and drainage is guaranteed, as evidenced by Plat of Record entitled, Seasons Landing Subdivision, Section 3, recorded as PM090000015 with LR0900001282 on June 28, 2009; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall forward a copy of this resolution to the developer and to the VDOT Transportation and Land Use Director, Fredericksburg District.

Item 11. Public Works; Request Reimbursement from the Potomac and Rappahannock Transportation Commission (PRTC) for Transportation Expenditures for FY2015 Third Quarter

Resolution R15-208 reads as follows:

A RESOLUTION REQUESTING REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION (PRTC) FOR TRANSPORTATION EXPENDITURES DURING THE THIRD QUARTER OF FY2015

WHEREAS, Stafford County budgeted funds in the FY2015 Transportation Fund for various programs, including financial services, FREDericksburg Regional Transit Authority, the Stafford Regional Airport Authority, Social Services client transport, street name signs, and road improvements; and

WHEREAS, in the third quarter of FY2015, the County expended \$1,046,430 in qualifying transportation-related expenses; and

WHEREAS, the Board desires to request that PRTC reimburse the County for these qualifying transportation-related expenses from the County Motor Fuels Tax Fund;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that the Potomac and Rappahannock Transportation Commission (PRTC) be and it hereby is requested to reimburse the County for qualifying transportation-related expenses, in the amount of One Million Forty-six Thousand Four Hundred Thirty Dollars (\$1,046,430) from the County Motor Fuels Tax Fund; and

BE IT FURTHER RESOLVED that the County Administrator or his designee shall provide a copy of this resolution to PRTC.

Item 12. Public Works; Authorize the County Administrator to Execute Contracts for Construction of Stormwater Management Facility Retrofits; Sign a Stormwater Local Assistance Fund (SLAF) Grant Agreement; and Budget and Appropriate Grant Proceeds

Resolution R15-214 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE TWO CONTRACTS WITH SITEWORK COMPLETE, INC., FOR CONSTRUCTION OF STORMWATER MANAGEMENT RETROFITS, IN THE GARRISONVILLE ELECTION DISTRICT; SIGN A STORMWATER LOCAL ASSISTANCE FUND (SLAF) GRANT AGREEMENT; AND BUDGET AND APPROPRIATE GRANT PROCEEDS

WHEREAS, the County's Federal Clean Water Act Municipal Separate Storm Sewer System (MS4) stormwater discharge permit requires improvements to the County's existing stormwater system to reduce the pollution entering the Chesapeake Bay and its' tributaries; and

WHEREAS, the County received grant funding from the Virginia Stormwater Local Assistance Fund (SLAF) to design and construct stormwater facilities to improve water quality; and

WHEREAS, design has been completed to retrofit two existing stormwater management facilities in the Liberty Place and Park Ridge subdivisions, within the Garrisonville Election District, to provide additional reduction in pollution; and

WHEREAS, pursuant to Bid #5141152, staff solicited bids for the Liberty Place project and staff determined that the lowest responsive and responsible bid was submitted by Sitework Complete, Inc. in the amount of \$99,684; and

WHEREAS, pursuant to Bid #514153, staff solicited bids for the Park Ridge project and staff determined that the lowest responsive and responsible bid was submitted by Sitework Complete, Inc. in the amount of \$99,893; and

WHEREAS, staff determined that the bids submitted by Sitework Complete, Inc. are reasonable for the scope of services proposed; and

WHEREAS, funding is available in the Public Works Capital Improvement Program budget for FY2015;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that the County Administrator be and he hereby is authorized to execute two contracts with Sitework Complete, Inc., in an amount not to exceed Ninety-nine Thousand Six Hundred Eighty-four Dollars (\$99,684) for the Liberty Place project, and Ninety-nine Thousand Eight Hundred Ninety-three Dollars (\$99,893) for the Park Ridge project, for construction services for the Stormwater Management Facility Retrofit Projects, unless modified by a duly-authorized change order;

BE IT FURTHER RESOLVED, that the County Administrator be and he hereby is authorized to execute a Stormwater Local Assistance Fund (SLAF) grant agreement with the Virginia Department of Environmental Quality (DEQ) to provide 50% reimbursement for these projects;

BE IT STILL FURTHER RESOLVED, that an amount not to exceed One Hundred Fifty Six Thousand Two Hundred Fifty Dollars (\$156,250) be budgeted and appropriated as revenue to the General Fund upon the execution of the SLAF grant agreement and associated reimbursement(s).

Item 13. Public Works; Authorize the Installation of a “Watch for Children” Sign on Sutherland Boulevard (SR-2046) in the Heather Hills Subdivision

Resolution R15-223 reads as follows:

A RESOLUTION AUTHORIZING THE INSTALLATION OF A “WATCH FOR CHILDREN” SIGN ON SUTHERLAND BOULEVARD (SR-2046) WITHIN THE HEATHER HILLS SUBDIVISION IN THE FALMOUTH ELECTION DISTRICT

WHEREAS, the Board is concerned with transportation safety on residential streets; and

WHEREAS, on February 19, 2008, the Board adopted the Residential Traffic Management Plan (RTMP) to provide Stafford County citizens with various programs to address their traffic-related concerns; and

WHEREAS, installation of “Watch for Children” signs are authorized pursuant to Virginia Code § 33.2-251; and

WHEREAS, the Heather Hills Homeowners Association requested the installation of a “Watch for Children” sign; and

WHEREAS, the Virginia Department of Transportation’s (VDOT) policy will permit the installation of this sign along Sutherland Boulevard; and

WHEREAS, the proposed location meets the essential criteria for installation, based on the current Residential Traffic Management Plan, “Watch for Children Sign” Program, as Sutherland Drive meets the definition of a residential local road; and

WHEREAS, the Board finds that installing this sign promotes the health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that the Board be and it hereby does approve the installation of one “Watch for Children” sign on Sutherland Boulevard (SR-2046) within the Heather Hills Subdivision in the Falmouth Election District.

BE IT FURTHER RESOLVED that the County Administrator or his designee shall forward a copy of this resolution to the VDOT Residency Administrator.

Item 14. Public Works; Authorize the County Administrator to Submit an Application for a Recreational Access Grant for Crow’s Nest Preserve

Resolution R15-180 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO REQUEST FUNDING FROM THE RECREATIONAL ACCESS GRANT PROGRAM

WHEREAS, the Crow’s Nest Natural Area Preserve (Preserve) is owned jointly, and will be developed by Stafford County and the Virginia Department of Conservation and Recreation (DCR), as a public recreational facility serving the residents of Stafford County, Virginia, and elsewhere; and

WHEREAS, the existing 1.5-mile internal access road to the Preserve does not provide adequate access, and it is deemed necessary that improvements be made to the Preserve access road; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Virginia Code § 33.2-1510, requires joint action by the Director of DCR (Director) and the Commonwealth Transportation Board (CTB); and

WHEREAS, a statement of policy agreed upon between the Director and the CTB approves the use of such funds for the construction of access roads to publicly-owned recreational or historical areas; and

WHEREAS, the Board has duly adopted a zoning ordinance pursuant to Virginia Code §§ 15.2-2280 *et seq*; and

WHEREAS, all legal requirements have been met to permit the Director to designate the Preserve as a public recreational facility and further permit the CTB to provide funds for access to this public recreation area in accordance with Virginia Code § 33.2-1510; and

WHEREAS, the Board agrees, in keeping with the intent of Virginia Code § 33.2-405, to reasonably protect the aesthetic or cultural value of the Crow’s Nest Natural Area Preserve access road, leading to or within areas of historical, natural or recreational significance; and

WHEREAS, Stafford County acknowledges that no land disturbance activities may occur within the limits of the proposed access project without the permission of the Virginia Department of Transportation (VDOT) as a condition of the use of the Recreational Access Fund Grant; and

WHEREAS, Stafford County hereby guarantees that the necessary environmental analysis, mitigation, and fee-simple right-of-way for this improvement, and utility relocations or adjustments, if necessary, will be provided at no cost to VDOT; and

WHEREAS, the Board desires to apply for grant funding up to \$400,000 through the Recreational Access Grant Program; and

WHEREAS, the Board believes securing the grant funds, and completion of the related improvements will promote the health, safety, and welfare of the County, its citizens, and others as well;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that it be and hereby does request the Director of the Virginia Department of Conservation and Recreation to designate the Crow’s Nest Natural Area Preserve as a public recreational area and to recommend to the Commonwealth Transportation Board that Recreational Access Grant funds be allocated for necessary improvements to the Crow’s Nest Natural Area Preserve access road to provide an adequate access road to serve the Crow’s Nest Natural Area Preserve; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary Recreational Access Grant funds to provide a suitable access road to the Crow’s Nest Natural Area Preserve; and

BE IT FURTHER RESOLVED, that the Board approves allowing DCR to maintain the requested access road within the Crow’s Nest Natural Area Preserve; and

BE IT STILL FURTHER RESOLVED, that the County Administrator is authorized to execute any and all documents necessary to apply for funding through the State Recreational Access Grant Program up to, but not exceeding, Four Hundred Thousand Dollars (\$400,000).

Item 15. County Administration; Authorize Formation of an Armed Services Memorial Planning Committee and the Formation of a 501(c)3

Resolution R15-215 reads as follows:

A RESOLUTION AUTHORIZING THE FORMATION OF THE STAFFORD COUNTY ARMED SERVICES MEMORIAL PLANNING COMMITTEE AND THE PREPARATION OF AN APPLICATION FOR A 501(C)3 DESIGNATION

WHEREAS, Stafford County citizens have a long and distinguished history of serving in the armed forces; and

WHEREAS, for more than 200 years, men and women from the County fought in many wars and conflicts from the Revolutionary War through the recent Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan; and

WHEREAS, in the course of these many battles fought, many paid the ultimate sacrifice to preserve freedom and democracy for their families, neighbors, fellow citizens, and countless people around the world; and

WHEREAS, on July 3, 2012, the Board adopted Resolution R12-202, establishing the Stafford County Armed Services Memorial Commission (Commission); and

WHEREAS, the Commission was tasked with creating a memorial to honor the County's military, its brave sons and daughters, and their families, to provide a place for families and citizens to honor the fallen; and to serve as a visible reminder of the men and women who gave the last full measure of devotion to their country (Memorial); and

WHEREAS, the Commission held a design competition among Stafford's high school students and, on May 10, 2013, selected five student designs, one from each high school on which to base the design; and

WHEREAS, in October 2013, the Commission issued a request for proposal (RFP) to design the Memorial based upon the students' submissions, and selected Kline Memorials, the only respondent to the RFP, to create the plans; and

WHEREAS, the Commission requested that the Board form the Armed Services Planning Committee (Committee) to oversee the building of a Memorial, and additionally requested that a 501(c)3 application be prepared to assist in the Committee's fundraising efforts;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors, on this the 2<sup>nd</sup> day of June, 2015, that it be and hereby does agree to establish the Stafford County Armed Services Memorial Planning Committee (Committee), to be comprised of one member appointed by the Board from each election district and one at-large member, on or before June 16, 2015, to oversee the marketing, fundraising, and construction of the Stafford County Armed Services Memorial; and

BE IT FURTHER RESOLVED, that the Committee is authorized and requested to prepare an application for a 501(c)3 designation to aid in the Committee's fundraising efforts; and

BE IT STILL FURTHER RESOLVED that the Committee, once seated, will report to the Board in early 2016 with a preliminary plan of action and timeline for completion of the Memorial.

Item 16. Public Information; Recognize Stafford County Citizen Volunteers

Proclamation P15-13 reads as follows:

A PROCLAMATION TO RECOGNIZE AND COMMEND  
STAFFORD COUNTY'S CITIZEN VOLUNTEERS

WHEREAS, one foundation of a decent and just society is the willingness of people to work together for the common good through volunteers mobilized to help those experiencing a variety of problems or issues; to give of their time to recreational and cultural programs, and historic preservation; and to contribute their expertise to local government services; and

WHEREAS, citizen assistance volunteers provide switchboard, reception, and ombudsman services in the George L. Gordon, Jr. Government Center, and during the past year have responded to more than 100,000 requests; and

WHEREAS, in the past year, citizen assistance volunteer teams gave more than 40,500 hours of service in response to citizen requests providing data entry support, and traffic and transportation service to the Sheriff's Office; and clerical and reception services to the Circuit and General District Courts, and other offices, and as needed, provided immediate response and assistance during disasters; and

WHEREAS, the Board desires to call attention to the dedication of these citizens and, in particular, to recognize volunteers who have contributed a significant number of hours of service through the Citizens Assistance Office including: Jarret Apicella, 328; Bradley Shelton, 231; Jane Conner, 589; Charlotte Crismond, 890; Melissa Habayeb, 343; Adam Hager, 218; Doris McAdams, 200; Cecilia Miller, 772; Debbie Murphy, 248; Robert Podlesny, 267; Pat Riddlemoser, 600; Valarie Hart, 260; Nick Kopchinsky, 1778; David Kwiatkowski, 387; Mark Seymour, 949; William Smith, 380; and William Tignor, 207;

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that it be and hereby does recognize and commend all citizen volunteers in Stafford County.

Item 17. Recognize Emergency Medical Services Week

Proclamation P15-14 reads as follows:

A PROCLAMATION RECOGNIZING MAY 17 THROUGH MAY 23, 2015,  
AS EMERGENCY MEDICAL SERVICES WEEK

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, members of Stafford County’s Fire and Rescue emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education each year to enhance their lifesaving skills; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating a week in their honor; and

NOW, THEREFORE, BE IT PROCLAIMED by the Stafford County Board of Supervisors on this 2<sup>nd</sup> day of June, 2015, that it be and hereby does recognize May 17 through May 23, 2015, as “Emergency Medical Services Week.”

Planning and Zoning; Amend and Reordain Stafford County Code Sec. 16-4, “Maximum Permissible Sound Levels Generally;” and Chapter 26, “Weapons” Mr. Jeff Harvey, Director of Planning and Zoning gave a presentation and answered Board members questions.

Mr. Milde clarified that there was not a “No Shooting Zones” map being considered, just definitions of the Weapons Ordinance. He asked if the proposed changes were more or less restrictive than was currently in County Code. Mr. Harvey said that it was more flexible and more widespread than the current County Code.

Ms. Sellers asked for a definition of a pneumatic gun. Mr. Harvey said it included BB guns, pellet guns, paint ball guns, and the like.

Mr. Snellings asked for verification that the proposed changes brought the County Code up to state standards. Mr. Harvey said that was the purpose of the proposed Ordinance.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O15-12.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Milde, Sellers, Snellings

Nay: (0)

Absent: (2) Sterling, Thomas

Ordinance O15-12 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 16, ENTITLED “NOISE” AND CHAPTER 26, ENTITLED “WEAPONS”

WHEREAS, amendments to the Virginia Code necessitate amendments to the County’s Weapons Ordinance, specifically regarding pneumatic guns and hunting; and

WHEREAS, the Board desires to amend the County’s Weapons Ordinance to allow for reasonable and safe bow usage; and

WHEREAS, an amendment to the Noise Ordinance will enable better enforcement of the regulations by law enforcement and staff; and

WHEREAS, the Board carefully considered the recommendations of the Sheriff’s Office and staff, and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that these amendments secure and promote the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of June, 2015, that Stafford County Code Sec. 16-4, “Maximum permissible sound levels generally,” and Chapter 26, “Weapons,” be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

**Sec. 16-4. - Maximum permissible sound levels generally.**

(b) Measurement procedures. The measurement of sound or noise pursuant to this section shall be as follows:

(1) The measurement of sound or noise shall be made with type 2 sound level meters which meet the standards prescribed by the ANSI. The instruments shall be maintained in calibration and good working order. The sheriff shall develop and promulgate standards and procedures for testing and validating sound level meters according to the specifications and regulations of the manufacturer and used in the enforcement of this chapter. A minimum of three (3) sound level readings shall be taken. The ~~geometric mean~~ average of these readings will be used as the average sound level. If the background noise is equal to the levels set forth in this section, three (3) dB shall be subtracted out of the average sound level.

**Sec. 26-4. Discharging air pneumatic guns in public places.**

(a) ~~No person shall discharge shot or pellets from a BB gun, air gun or other similar instrument in any street or highway in the county or in any place of public business or place of public gathering in the county.~~

(b) ~~A violation of this section shall constitute a Class 2 misdemeanor.~~

- (a) For purposes of this section, “pneumatic gun” means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. “Pneumatic gun” includes, but is not limited to, a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.
- (b) In the opinion of the board, certain areas of the county are so heavily populated as to make shooting pneumatic guns dangerous to the inhabitants of the areas. It shall be unlawful to shoot pneumatic guns in the areas set forth in county code section 26-18, except as provided below:
- (1) at facilities approved for shooting ranges;
  - (2) on property where firearms maybe lawfully discharged; and
  - (3) on private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
- (c) It shall be unlawful in the areas set forth in county code section 26-18, for any minor below the age of 16 to use pneumatic guns on private or public property without supervision by a parent, guardian, or other adult supervisor approved by a parent or guardian of any minor. Minors, whether permitted by a parent or guardian to use a pneumatic gun or not, shall be responsible for obeying all laws, regulations and restrictions governing such use.
- (d) A violation of this section shall be a Class 3 misdemeanor.

State law reference: Virginia Code § 15.2-915.4.

**Sec. 26-5. Discharging arrows.**

- (a) No person shall discharge an arrow from any bow in a manner that can be reasonably expected to result in the impact of the arrow upon the property of another without permission from the owner or tenant of such property, ~~or other similar instrument at any place within the county; provided, however, that this shall not be construed to prohibit the discharge of arrows at a regularly established archery range or by properly licensed hunters.~~

State law reference: Virginia Code § 15.2-916.

**Sec. 26-8. Limitations on firearms.**

- ~~(a) It shall be unlawful to shoot within one hundred (100) yards of any regularly occupied structure, which is not the shooters’/hunters’ own residence or structure, without written permission of its owner or occupant. The written permission shall contain the following information:~~
- ~~(b) It shall be unlawful to hunt within one hundred (100) yards of any regularly occupied structure without advance permission of its owner or occupant.~~

**Sec. 26-9. One-hundred-yard safety zone, private roads.**

It shall be unlawful to shoot ~~or hunt~~ within one hundred (100) yards of any private road located in a subdivision where lots are ten (10) acres or ~~more~~ less in size without written permission of the owner or occupant.

**ARTICLE II. SHOOTING-PROHIBITED AREAS**

**Sec. 26-16. Definitions.**

For the purposes of this article, the following terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise:

~~Bow shall mean and include cross bows, hunting bows, target bows, or any similar mechanism, by whatever name known, which is designed and capable of firing arrows or similar projectiles.~~

State law reference: Virginia Code § 15.2-1209.

**Sec. 26-17. Prohibited shooting.**

In the opinion of the board, certain areas of the county are so heavily populated as to make outdoor shooting with firearms so dangerous to the inhabitants of these areas of the county, that it ~~it~~ shall be unlawful for any person willfully to shoot or discharge any firearm ~~or bow~~ within or into any of the shooting-prohibited areas of Stafford County, designated as such in section 26-18, following.

State law reference: Virginia Code § 15.2-1209.

**Sec. 26-19. Exceptions.**

The prohibitions and other terms of this article shall not apply to the following:

- (1) The discharge of firearms ~~or bows~~ on any approved target, trap, skeet or shooting range or hunting preserve lawfully existing on May 7, 1985, or thereafter established in compliance with all other provisions of this Code or other county ordinances or state law.
- (2) The discharge of firearms ~~or bows~~ on any target or rifle range established and operated by the Stafford County Sheriff's Office or any police or law enforcement department or agency.
- (3) The discharge of firearms ~~or bows~~ in any private basement or cellar target range.
- (4) The discharge of firearms ~~or bows~~ in defense of one's life or to kill any dangerous or destructive wild animal.
- (5) The discharge of firearms by any sheriff's deputy, duly authorized peace officer, or law enforcement official acting in the proper performance of his duties.
- (8) The discharge of shotguns and muzzleloaders, ~~and the use of bows and arrows~~, by the members of a bona fide sportsmen's or hunt club on land owned or leased by such a club consisting of at least two hundred fifty (250) acres, whether one parcel or the sum of two (2) or more contiguous parcels, provided that sportsmen's or hunt club had the lease or ownership interest as of December 17, 2002.

- ~~(9) Nothing in this article shall apply to the discharge of an arrow equipped with a blunt rubber tip or rubber suction cup, from a bow with a "pull" or a "draw weight" of less than ten (10) pounds.~~
- (9) The killing of deer with a firearm pursuant to Virginia Code § 29.1-529 on land of at least five (5) acres that is zoned for agricultural use.
- (10) The discharge of a pneumatic firearm, as defined by county code section 26-4(a), at facilities approved for shooting ranges; on property where firearms may be lawfully discharged; and on private property with permission of the owner or legal possessor thereof when conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
- (11) A managed hunt to control the wildlife population under the supervision of federal, state, or local law enforcement or game management officials.

**Sec. 26-20. Penalties.**

Unless otherwise provided, Any person who violates any provision of this article shall be guilty of a misdemeanor and punished by confinement in jail not to exceed twelve (12) months, or a fine not to exceed one thousand dollars (\$1,000.00), or any combination of such confinement and fine.

State law reference: Virginia Code § 15.2-1429.

; and

BE IT FURTHER ORDAINED that this ordinance shall become effective upon adoption.

Sheriff/Fire and Rescue; Adopt the Public Safety Staffing Plan Mr. Anthony Romanello, County Administrator, gave an overview and answered Board members questions. He said that adoption of the proposed Plan required no commitment to add staff or funding, and that the Plan was fully vetted by the Board's Public Safety Committee.

Ms. Bohmke said that she, along with Ms. Sellers and Mr. Snellings were on the Public Safety Committee. She said that there was a COPS Grant outstanding (and the application for it was approved on that day's Consent Agenda); and Chief Lockhart also has a grant application outstanding, both of which could provide additional funds and staffing to their respective departments. She added that public safety was one of the Board's top priorities and she gave the Plan her full support.

Mr. Snellings confirmed that public safety is the Board's #1 priority.

Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Resolution R15-225.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Milde, Sellers, Snellings  
Nay: (0)  
Absent: (2) Sterling, Thomas

Resolution R15-225 reads as follows:

A RESOLUTION TO ADOPT THE STAFFORD COUNTY  
PUBLIC SAFETY STAFFING PLAN

WHEREAS, the Board identified public safety as one of its priorities for the County; and

WHEREAS, both the Sheriff's Office and the Fire and Rescue Department conducted extensive reviews of their current staffing and resource deployment, prepared recommendations for future needs, and developed the Public Safety Staffing Plan (Staffing Plan); and

WHEREAS, the Staffing Plan was presented to the Board's Public Safety Committee (Committee), and at its meeting on December 16, 2014, the Committee recommended that the Staffing Plan move forward for consideration by the Board; and

WHEREAS, the Staffing Plan was presented to the Board at its meeting on February 3, 2015; and

WHEREAS, the Staffing Plan represents the blueprint for future staffing considerations as funding allows;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that it be and hereby does adopt the Public Safety Staffing Plan.

Finance and Budget; Authorize Issuance of General Obligation Bonds Ms. Nancy Collins, Budget Division Director, gave a presentation and answered Board members questions. Ms. Sellers asked for confirmation that no public hearing was required. Ms. Collins said the public already voted on it, therefore, no public hearing was required.

Mr. Cavalier motioned, seconded by Ms. Sellers, to adopt proposed Resolution R15-204.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Milde, Sellers, Snellings  
Nay: (0)  
Absent: (2) Sterling, Thomas

Resolution R15-204 reads as follows:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2015

WHEREAS, at an election held on November 4, 2008 (Transportation Bond Referendum) the voters of the County of Stafford, Virginia (County) approved the issuance of general obligation bonds of the County in the maximum amount of \$70,000,000 to finance transportation improvement projects (Transportation Projects); and

WHEREAS, at an election held on November 3, 2009 (Recreation Bond Referendum) the voters of the County approved the issuance of general obligation bonds of the County in the maximum amount of \$29,000,000 to finance parks and recreation projects (Recreation Projects); and

WHEREAS, the County issued general obligation bonds, approved at the Transportation Bond Referendum in the principal amount of \$7,802,655, and \$62,197,345 in general obligation bonds are approved and unissued pursuant to the Transportation Bond Referendum; and

WHEREAS, the County has issued general obligation bonds, approved at the Recreation Bond Referendum in the principal amount of \$16,272,345, and \$12,727,655 in general obligation bonds are approved and unissued pursuant to the Recreation Bond Referendum; and

WHEREAS the Board of Supervisors has determined that it is advisable to issue general obligation bonds pursuant to the Transportation Bond Referendum in the maximum principal amount of \$5,065,000, which amount includes bonds in the amount of \$4,356,845 previously authorized by resolutions adopted December 4, 2012 and July 2, 2013 which remain unissued (Transportation Bonds) and pursuant to the Recreation Bond Referendum in the maximum principal amount of \$6,935,000, which amount includes bonds in the amount of \$5,507,655 previously authorized by a resolution adopted December 4, 2012 which remain unissued (Recreation Bonds and together with the Transportation Bonds, the Bonds);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF STAFFORD, VIRGINIA, on this the 2<sup>nd</sup> day of June, 2015:

**1. Authorization of Bonds and Use of Proceeds.** The Board of Supervisors of Stafford County hereby determines that it is advisable to contract a debt and to issue and sell the Bonds in the maximum aggregate principal amount of \$12,000,000, consisting of Transportation Bonds in the maximum principal amount of \$5,065,000 and Recreation Bonds in the maximum principal amount of \$6,935,000. The issuance and sale of the Bonds are hereby authorized. The proceeds from the issuance and sale of the Transportation Bonds shall be used to pay costs of the Transportation Projects and the

proceeds from the issuance and sale of the Recreation Bonds shall be used to pay costs of the Recreation Projects.

**2. Pledge of Full Faith and Credit.** The full faith and credit of the County are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The Board of Supervisors shall levy an annual ad valorem tax upon all property in the County, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

**3. Details and Sale of Bonds.** The Bonds shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Bonds shall be issued in fully registered form, in one or more series, shall be dated such date or dates as the County Administrator and the Chief Financial Officer, or either of them, may approve, shall be in the denominations of \$5,000 each or whole multiples thereof and shall be numbered from R-1 upwards consecutively. The Bonds shall mature on such dates and in such amounts and shall be issued in such principal amount as the County Administrator and the Chief Financial Officer, or either of them, may approve, provided that the final maturity of any Bond is not more than approximately 25 years from its date and the aggregate principal amount of the Bonds is not more than the amount set forth in paragraph 1. The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to determine the method of sale of the Bonds which may be a competitive or negotiated sale, a bank placement or a placement through the Virginia Resources Authority (VRA).

The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to accept a bid for the purchase of the Bonds which results in the lowest true interest cost to the County, or in the case of a placement or a negotiated sale, to accept a proposal from the VRA or a bank, underwriter or group of underwriters, and execute and deliver on behalf of the County a bond purchase agreement or other appropriate agreement with the VRA or such bank or underwriter or underwriters as such officers determine to be in the best interests of the County. The Bonds shall bear interest, payable on such dates, at such rate or rates and shall be sold to the successful bidder or bidders at such price as may be set forth in the bid or proposal so accepted, provided that the true interest cost of the Bonds shall not exceed 6.5% per annum and the sale price of the Bonds, not taking into account any original issue discount, shall not be less than 98% of par. The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to approve such optional redemption provisions and other terms for the Bonds as such officer or officers determine to be in the best interest of the County.

**4. Form of Bonds.** The Bonds shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

**5. Book-Entry-Only-Form.** The Bonds may be issued in book-entry-only form. The Bonds shall be issued in fully-registered form and may be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York (“DTC”) as registered owner of the Bonds, and immobilized in the custody of DTC. One fully-registered Bond in typewritten or printed form for the principal amount of each maturity of the Bonds may be registered to Cede & Co. In such event, beneficial owners of the Bonds shall not receive physical delivery of the Bonds and principal, premium, if any, and interest payments on the Bonds shall be made to DTC or its nominee as registered owner of the Bonds on the applicable payment date.

Transfer of ownership interest in the Bonds may be made by DTC and its participants (Participants), acting as nominees of the beneficial owners of the Bonds in accordance with rules specified by DTC and its Participants. The County shall comply with the agreements set forth in the County's Letter of Representations to DTC.

In the event the Bonds are issued in book-entry-only form and registered in the name of DTC's nominee as permitted above, replacement Bonds (Replacement Bonds) may be issued directly to beneficial owners of the Bonds rather than to DTC or its nominee but only in the event that:

- (i) DTC determines not to continue to act as securities depository for the Bonds; or
- (ii) The County has advised DTC of its determination not to use DTC as a securities depository; or
- (iii) The County has determined that it is in the best interest of the beneficial owners of the Bonds or the County not to continue the book-entry system of transfer.

Upon occurrence of the event described in (i) or (ii) above, the County shall attempt to locate another qualified securities depository. If the County fails to locate another qualified securities depository to replace DTC, the appropriate officers and agents of the County shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to the Resolution to the Participants. In the event the Board of Supervisors, in its discretion, makes the determination noted in (iii) above and has made provisions to notify the beneficial owners of the Bonds by mailing an appropriate notice to DTC, the appropriate officers and agents of the County shall execute and deliver Replacement Bonds substantially in the form set forth in Exhibit A to this Resolution to any Participants requesting such Replacement Bonds. Principal of and interest on the Replacement Bonds shall be payable as provided in this Resolution and in the Bonds and Replacement Bonds will be transferable in accordance with the provisions of paragraphs 9 and 10 of this Resolution and the Bonds.

**6. Appointment of Bond Registrar and Paying Agent.** The County Administrator and the Chief Financial Officer, or either of them, are authorized and directed to appoint a Bond Registrar and Paying Agent for the Bonds and as long as the Bonds are in book-entry form, either of such officers may serve as Paying Agent.

The County Administrator and the Chief Financial Officer, or either of them, may appoint a subsequent registrar and/or one or more paying agents for the Bonds upon giving written notice to the owners of the Bonds, specifying the name and location of the principal office of any such registrar or paying agent.

**7. Execution of Bonds.** The Chairman of the Board of Supervisors and the Clerk of the Board of Supervisors are authorized and directed to execute appropriate negotiable Bonds, affix the seal of the County thereto, deliver the Bonds to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Chairman and the Clerk are both by facsimile, the Bonds shall not be valid until signed at the foot thereof by the manual signature of the Bond Registrar.

**8. CUSIP Numbers.** The Bonds may have CUSIP identification numbers printed thereon. No such number shall constitute a part of the contract evidenced by the Bond on which it is imprinted and no liability shall attach to the County, or any of its officers or agents by reason of such numbers or any use made of such numbers, including any use by the County and any officer or agent of the County, by reason of any inaccuracy, error or omission with respect to such numbers.

**9. Registration, Transfer and Exchange.** Upon surrender for transfer or exchange of any Bond at the principal office of the Bond Registrar, the County shall execute and deliver and the Bond Registrar shall authenticate in the name of the transferee or transferees a new Bond or Bonds of any authorized denomination in an aggregate principal amount equal to the Bond surrendered and of the same form and maturity and bearing interest at the same rate as the Bond surrendered, subject in each case to such reasonable regulations as the County and the Bond Registrar may prescribe. All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the County and the Bond Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. No Bond may be registered to bearer.

New Bonds delivered upon any transfer or exchange shall be valid obligations of the County, evidencing the same debt as the Bonds surrendered, shall be secured by this Resolution, and entitled to all of the security and benefits hereof to the same extent as the Bonds surrendered.

**10. Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of Bonds, but the County may require payment by the registered owner of any Bond of a sum sufficient to cover any tax or other governmental charge which may be imposed with respect to the transfer or exchange of such Bond.

**11. Non-Arbitrage Certificate and Tax Covenants.** The County Administrator and the Chief Financial Officer, or either of them, and such officers and agents of the County as either of them may designate are authorized and directed to execute with respect to the Bonds a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to comply with the provisions of the Tax Code, including the

provisions of Section 148 of the Tax Code and applicable regulations relating to “arbitrage bonds.” The Board of Supervisors covenants on behalf of the County that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in the County's Non-Arbitrage Certificate and Tax Covenants relating to such Bonds, to be delivered simultaneously with the issuance and delivery of the Bonds, and that the County shall comply with the other covenants and representations contained therein.

**12. Disclosure Documents.** The County Administrator and the Chief Financial Officer, or either of them, and such officers and agents of the County as either of them may designate are hereby authorized and directed to prepare, execute, if required, and deliver an appropriate notice of sale, preliminary official statement, official statement, continuing disclosure agreement, or such other offering or disclosure documents as may be necessary to expedite the sale of the Bonds. The notice of sale, preliminary official statement, official statement, continuing disclosure agreement, or other documents shall be published in such publications and distributed in such manner, including electronically, and at such times as the Chief Financial Officer shall determine. The County Administrator and the Chief Financial Officer, or either of them, is authorized and directed to deem the preliminary official statement “final” for purposes of Securities and Exchange Commission Rule 15c2-12.

**13. SNAP Investment Authorization.** The County has heretofore received and reviewed the Information Statement (Information Statement) describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the County has determined to authorize the Chief Financial Officer to utilize SNAP in connection with the investment of the proceeds of the Bonds if the Chief Financial Officer determines that the utilization of SNAP is in the best interest of the County. The Board of Supervisors acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the contract creating the investment program pool.

**14. Further Actions.** The County Administrator and the Chief Financial Officer, and such officers and agents of the County as either of them may designate, are authorized and directed to take such further action as they deem necessary regarding the issuance and sale of the Bonds, and the execution and delivery of any such other documents, agreements and certificates as they may deem necessary or desirable and all actions taken by such officers and agents in connection with the issuance and sale of the Bonds are ratified and confirmed.

**15. Effective Date.** This Resolution shall take effect at the time of its adoption.

Legislative; Closed Meeting. At 3:56 p.m., Ms. Sellers motioned, seconded by Mr. Cavalier, to adopt proposed Resolution CM15-12.

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Milde, Sellers, Snellings  
Nay: (0)  
Absent: (2) Sterling, Thomas

Resolution CM15-12 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board desires to hold a Closed Meeting for (1) consultation with legal counsel regarding *IVI Strategies v. Bd. of Supervisors*, CL 14-1203; and (2) discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the County; and

WHEREAS, pursuant to Virginia Code § 2.2-3711(A)(5) and (A)(7) such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors, on this the 2nd day of June, 2015, does hereby authorize discussion of the above matters in Closed Meeting.

Call to Order At 4:27 p.m., the Chairman called the meeting back to order.

Legislative; Closed Meeting Certification Ms. Sellers motioned, seconded by Ms. Bohmke, to adopt proposed Resolution CM15-12(a).

The Voting Board tally was:

Yea: (5) Bohmke, Cavalier, Milde, Sellers, Snellings  
Nay: (0)  
Absent: (2) Sterling, Thomas

Resolution CM15-12(a) reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON JUNE 2, 2015

WHEREAS, the Board has, on this the 2nd day of June, 2015, adjourned into a Closed Meeting in accordance with a formal vote of the Board and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of Supervisors does hereby certify, on this the 2nd day of June, 2015, that to the best of each member’s knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

At 4:28 p.m., the Chairman declared the meeting adjourned until 7:00 p.m.

Call to Order At 7:00 p.m., the Chairman called the evening session to order. Mr. Sterling joined the meeting.

Invocation Ms. Bohmke gave the invocation.

Pledge of Allegiance Mr. Cavalier led the recitation of the Pledge of Allegiance.

Presentations by the Public – II

Paul Waldowski - Potholes fixed on SR 642; 7 days to primary election; his two grandmothers were very influential; not making any more land; favors treetops over rooftops; “Holy Sheetz;” Waldowski, in Chinese, means humble one; Stafford Meadows voted to use \$300,000 from its reserves to bring its utilities up-to-date.

Public Works; Authorize the Condemnation and Exercise of Quick-Take Powers in Conjunction with the Truslow Road Reconstruction Project Mr. Chris Rapp, Director of Public Works, gave a presentation and answered Board members questions.

Ms. Sellers asked for the property owner’s justification to ask for \$75,000 instead of the assessed property value of \$18,550. Mr. Shumate said that the property owner retained legal counsel, who reevaluated the offer.

The Chairman opened the public hearing.

No persons desired to speak.

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R15-136.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling

Nay: (0)

Absent: (1) Thomas

Resolution R15-136 reads as follows:

A RESOLUTION AUTHORIZING THE CONDEMNATION AND EXERCISE OF QUICK-TAKE POWERS TO ACQUIRE A FEE SIMPLE RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENT, TEMPORARY ENTRANCE EASEMENT, PERMANENT DRAINAGE EASEMENT, PERMANENT JOINT-USE UTILITY EASEMENT TO BE CONVEYED TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION, DOMINION VIRGINIA POWER, AND VERIZON; AND A PERMANENT UTILITY EASEMENT TO BE CONVEYED TO VERIZON; FOR THE TRUSLOW ROAD RECONSTRUCTION PROJECT ON TAX MAP PARCEL NO. 45J-1-9, WITHIN THE HARTWOOD ELECTION DISTRICT

WHEREAS, the Board identified the completion of road improvements on Truslow Road (SR-652), between Berea Church Road (SR-654) and Plantation Drive (SR-1706) (Project), as a critical part of the County's road improvement plan; and

WHEREAS, the Board approved the acquisition of land and easements necessary for the completion of the Project, and staff is in the process of acquiring the necessary portions of land for right-of-way, and temporary and permanent easements; and

WHEREAS, Tax Map Parcel No. 45J-1-9 (Property), consists of approximately 3.134 acres of land, owned by Robert A. Matthews (Property Owner), located within the Hartwood Election District; and

WHEREAS, the Board must acquire fee simple right-of-way, a temporary construction easement, a temporary entrance easement, a permanent drainage easement, a permanent joint-use utility easement to be conveyed to the Virginia Department of Transportation (VDOT), Dominion Virginia Power, and Verizon; and a permanent utility easement to be conveyed to Verizon because the design of the Project requires 13,445 square feet of fee simple right-of-way, 9,108 square feet of temporary construction easement, 4,144 square feet of temporary entrance easement, 2,791 square feet of permanent drainage easement, 619 square feet of permanent utility easement to be conveyed to VDOT, Dominion Virginia Power, and Verizon; and 2,687 square feet of permanent joint-use utility easement to be conveyed to Verizon on the Property; and

WHEREAS, fair market value for the required areas of the Property, together with damages, if any, to the remainder of the Property is Fourteen Thousand Seven Hundred Ten Dollars (\$14,710), based upon 2014 appraised values; and

WHEREAS, the Board, through its consulting negotiator, has made a bona fide, but ineffectual effort to purchase the affected areas of the Property by offering said fair market value on behalf of the County to the Property Owner; and

WHEREAS, the terms of purchase cannot be agreed upon, and the County's consulting negotiator was unsuccessful in negotiating a final settlement with the Property Owner, but will continue to work with the Property Owner to attempt to reach an acceptable settlement; and

WHEREAS, the Board conducted a public hearing in accordance with Virginia Code §§ 15.2-1903(B) and 15.2-1905(C) to determine the necessity for condemnation and the use of the County's quick-take powers, and has carefully considered the recommendations of staff and the public testimony, if any, at the public hearing; and

WHEREAS, the Board declares its intent to use its condemnation and quick-take powers to enter the Property and take the above-referenced 13,445 square feet of fee simple right-of-way, 9,108 square feet of temporary construction easement, 4,144 square feet of temporary entrance easement, 2,791 square feet of permanent drainage easement, 619 square feet of permanent joint-use utility easement to be conveyed to VDOT, Dominion Virginia Power, and Verizon; and 2,687 square feet of permanent utility easement to be conveyed to Verizon;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that the Board be and it hereby does find that public necessity exists for the Board's ownership of fee simple right-of-way, a temporary construction easement, a temporary entrance easement, a permanent drainage easement, a permanent joint-use utility easement to be conveyed to VDOT, Dominion Power, and Verizon; and a permanent utility easement to be conveyed to Verizon on Tax Map Parcel No. 45J-1-9 (Property), to complete the Truslow Road Reconstruction Project; and

BE IT FURTHER RESOLVED that the Board declares its intent to condemn and exercise the County's quick-take powers to enter upon the Property and immediately acquire 13,445 square feet of fee simple right-of-way, 9,108 square feet of temporary construction easement, 4,144 square feet of temporary entrance easement, 2,791 square feet of permanent drainage easement, 619 square feet of permanent joint-use utility easement to be conveyed to VDOT, Dominion Virginia Power, and Verizon; and 2,687 square feet of permanent utility easement to be conveyed to Verizon, for the construction and operation of the Truslow Road Reconstruction Project, pursuant to the provisions of Virginia Code §§ 15.2-1903(B) and 15.2-1905(C); and

BE IT STILL FURTHER RESOLVED that the Board authorizes the County Attorney to file a Certificate of Take among the land records of Stafford County, and authorizes the County Administrator and the Chief Financial Officer, or their designees, to sign the Certificate and to deposit Fourteen Thousand Seven Hundred Ten Dollars (\$14,710), with the Clerk of the Stafford County Circuit Court, for Robert A. Matthews' benefit, before entering and taking possession of the fee simple right-of-way, a temporary construction easement, temporary entrance easement, permanent drainage easement, permanent joint-use utility easement to be conveyed to VDOT, Dominion Virginia Power, and Verizon; and permanent utility easement to be conveyed to Verizon, in connection with the quick-take condemnation process on behalf of the Stafford County Board of Supervisors in accordance with the law.

Planning and Zoning; Consider Amendments to the Cemetery Ordinance Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. Mr. Snellings asked who would notify families if there was reinterment of graves due to development of a property with an existing cemetery. Mr. Harvey replied that it would be the land owner or developer, in conjunction with working with a funeral service provider and the health department. He added that there was no state notification requirement.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Mr. Sterling motioned, seconded by Ms. Sellers, to adopt proposed Ordinance O15-09.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling

Nay: (0)

Absent: (1) Thomas

Ordinance O15-09 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-39(O), "PRESERVATION OF EXISTING CEMETERIES"

WHEREAS, cemeteries are a valuable and important resource to the culture and history of the County; and

WHEREAS, a goal of the Comprehensive Plan is to preserve significant historic and/or archaeological sites and cemeteries through private, public, or quasi-public groups; and

WHEREAS, pursuant to Virginia Code § 15.2-2283(v), the purpose of zoning is to protect against destruction of or encroachment upon historic sites; and

WHEREAS, the Board desires to amend standards to identify, protect, and maintain cemeteries with all plans for new and existing developments; and

WHEREAS, the Board conducted a public hearing and carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that the proposed amendments promote the health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that Stafford County Code Sec. 28-39(o), “Preservation of existing cemeteries,” be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

**Sec. 28-39. - Special regulations.**

(o) *Preservation of existing cemeteries.* The following requirements shall apply to cemeteries within all ~~plans of development plans that have an existing or are planned to have a property owners association or homeowners association.~~

(1) Parcels containing cemeteries that are not on its own separately platted lot, ~~or not~~ established by an easement within the boundaries of such parcels, or ~~not~~ otherwise clearly marked with places of burials delineated, ~~with limits of burials~~ shall be required at the time of site or subdivision plan review to have a professionally prepared archaeological delineation of the limits of burials within the cemetery. The delineation shall be conducted in accordance with the Virginia Department of Historic Resources and their standard archaeological practices, such as, but not limited to, the removal of topsoil around the perimeter of the visible areas of the cemetery to allow a view of any grave shaft soil discolorations beyond the apparent burials, or systematic probing with rods that detect differences in soil compaction. The archaeological delineation shall determine the limits of burials and it shall be used to establish the perimeter boundary of the cemetery on the site plan or subdivision plat and plan. Soil removed during the delineation process ~~must~~ shall be replaced within one (1) a month of its removal and in a manner that will not disturb the identified burials. Any associated vegetation ~~should~~ shall be replaced in a manner that will not disturb the identified burials.

(2) The ~~boundary perimeter~~ boundary perimeter of a cemetery shall be indicated on a site development plan, subdivision plan, and subdivision plat ~~as determined by the archaeological delineation.~~

(3) Pedestrian access to the cemetery shall be provided on a site development plan, subdivision plan, and subdivision plat either with a minimum of fifteen (15) feet of frontage on a street or as an easement that shall be a minimum of fifteen (15) feet wide from a street or other point of public ingress.

(4) A minimum thirty-five ~~feet~~ (35) foot ~~minimum~~ wide buffer area shall be established around the perimeter of the cemetery as delineated per sections (1) and (2) above and indicated on a site development plan, subdivision plan, and subdivision plat.

(5) The cemetery and associated buffer area shall be indicated as an easement or as a separate cemetery parcel on the development plan, subdivision plan, and subdivision plat.

(~~5~~6) Temporary fencing shall be installed around the perimeter of the cemetery and buffer area as ~~delineated~~ indicated ~~and the established buffer area on the plan or plat,~~ prior to receiving construction or grading plan approval. The fence shall be located outside the exterior edge of the buffer area and not within the buffer area.

(67) Permanent fencing between three (3) and four (4) feet tall shall be placed around the boundary of the cemetery ~~and including its~~ the buffer, after any surrounding site work is completed. The fence shall be located outside ~~on~~ the exterior edge of the buffer area and not within the buffer area. The type of fence ~~to be used~~ shall be determined on a case by case basis, as approved by the county agent, and ~~should~~ shall include a gate for public access. ~~Fencing is to be approved by the County agent.~~

(78) Signage identifying the cemetery by its family association, as recorded in the Stafford County Cultural Resource Database, or by another name as deemed appropriate by the County agent, ~~is to~~ shall be placed on a free standing sign located adjacent to the cemetery entrance or affixed to the fencing. The sign ~~should~~ shall ~~consist of~~ be a brass plaque or a comparable equivalent. The signage and its ~~wording content should~~ shall be approved by the County agent prior to erection.

(89) The cemetery grounds, fence, and buffer area shall be maintained and the responsibility for maintenance shall be established either on the site plan, subdivision plan, or subdivision plat, or by a separate recordable document submitted to the county agent along with the plan and plat. ~~as common area for the development.~~ The cemetery and associated buffer area shall ~~be indicated as an easement or as a separate cemetery parcel that can~~ be conveyed to an appropriate entity that would be responsible for perpetual maintenance of the cemetery as well as ~~all other common areas~~ the associated buffer and fence.

The party responsible for maintenance shall be indicated as one of the following:

a. owner of the property on which the cemetery is delineated;

~~ab.~~ The homeowners' association, in the case where a homeowners' association is established and the cemetery is created as a separate out-lot, easement, or part of the common open space within a subdivision; or

~~bc.~~ Other applicable association or entity, such as a business association, trust, or foundation, with appropriate documentation demonstrating the entity's assent to the maintenance responsibilities and ability to carry out the maintenance responsibilities.

(910) ~~Any~~ Preservation of grave markers, including ~~their~~ repair or cleaning, ~~should~~ shall comply with the Virginia Department of Historic Resources standards.

(1011) ~~Any~~ No grading shall occur inside the buffer and cemetery area. ~~outside the established perimeter buffer area.~~ In no circumstance Grading shall such grading not be sloped at a ratio more than three (3) to one (1) from the existing grade of the cemetery for a distance of fifty (50) feet beyond the perimeter of the buffer area.

(1112) ~~The~~ All cemeteryies ~~is to~~ shall be recorded at the county and state level. Along with the development plan, subdivision plan and subdivision plat, a using the completed Stafford County Cemetery Survey Form, and the a completed Virginia Department of Historic Resources eCemetery fForm shall ~~Both completed forms are to~~ be submitted to the county agent.

~~(1213)~~ Cemetery/burial removals and/or disinterment ~~are to~~ shall be conducted in accordance with the Virginia Code, Virginia Administrative Code and the Virginia Department of Historic Resources standards and requirements, including but not limited to, obtaining the required permit to conduct such removal and disinterment. Every effort shall be made to contact any living relatives of the proposed body to be disinterred for their permission to remove the burial(s) remains. ~~is required and their~~ Reasonable reinterment wishes of the relatives shall be complied with. Removal of cemeteries/burials and/or disinterment shall not occur until a reinterment location has been ~~decided upon~~ determined and all reinterment information, including location and contact information for the new burial location, has been provided to the county agent.

~~(14) Subsection (e)(9)~~ Nothing in this section shall ~~not~~ preclude removal and reinterment of burials in accordance with the Code of Virginia, Virginia Administrative Code, County Code and any other applicable legislation.

Planning and Zoning; Consider Amendments to Section 22-4, “Definitions” of the Subdivision Ordinance and Sec. 28-25, “Definitions of Specific Terms” of the Zoning Ordinance Mr. Jeff Harvey, Director of Planning and Zoning, gave a presentation and answered Board members questions. He said that the proposed ordinance amendments were to bring County Code in line with state code and to add definitions where none existed in the County Code.

Ms. Sellers asked about residential facility group homes and if they were taken out of state code. Mr. Harvey said, “Yes.” He also confirmed that Code did not recognize substance abuse separately.

The Chairman opened the public hearing.

The following persons desired to speak:

Paul Waldowski

The Chairman closed the public hearing.

Following the public comment period, Mr. Harvey clarified that where there was an appearance of missing or omitted definitions, it was because they already in place in the current County Ordinance/Code and were not being changed. Unchanged portions were not listed and did include townhouses and single-family homes.

Ms. Sellers motioned, seconded by Mr. Milde, to adopt proposed Ordinance O15-03.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling

Nay: (0)

Absent: (1) Thomas

Ordinance O15-03 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 28-25, “DEFINITIONS OF SPECIFIC TERMS”

WHEREAS, at the February 18, 2014 meeting of the Community and Economic Development Committee (CEDC), staff presented a review of the definition section of the Zoning Ordinance, performed by the consulting firm Clarion and Associates; and

WHEREAS, the CEDC recommended that initiation of the review process be referred by the Board to the Planning Commission for its consideration; and

WHEREAS, the Board referred the definition section within the Zoning Ordinance to the Planning Commission for its review and recommendations; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board desires to amend Stafford County Code Sec. 28-25, “Definitions of specific terms,” to provide definitions of terms that are consistent with the Subdivision Ordinance, the Virginia Code and the Comprehensive Plan; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that Stafford County Code Sec. 28-25, “Definitions of specific terms” be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

**Sec. 28-25. Definitions of specific terms.**

The following sources may be referred to when interpreting any term of this chapter for which no definition is given:

1) The current edition of Webster’s New Collegiate Dictionary by Meriam-Webster Inc.

2) Tracy Burrows, ed. A Survey of Zoning Definitions, American Planning Association, Planning Advisory Service Report No. 421(1998); and

3) The current edition of Black’s Law Dictionary.

When used in this chapter, the following terms shall have the meanings herein ascribed to them:

*Access, vehicular.* A means of vehicular approach or entry to or exit from a ~~property~~lot, street, or highway.

*Access, secondary.* A means of vehicular or non-vehicular approach or entry to or exit from a ~~property~~lot, from a source other than a public street or highway (such as an alley).

*Accessory use, building or structure.* A use, building or structure that is subordinate in area, extent and purpose to ~~and serves a principal use or structure.;~~ ~~contributes to the comfort, convenience or necessity of the occupants of the principal use or structure served;~~ and is located on the same lot under the same ownership and in the same land use district as the principal use or structure. In no event shall an accessory use be construed to authorize a use not otherwise permitted in the district in which the principal use is located, and in no event shall an accessory use be established prior to the principal use to which it is accessory.

*Administrative officer.* ~~Director of planning and zoning and assistant director of planning and zoning.~~ See “Director.”

*Adult day care center.* ~~A building or suite within a building, other than a residence, designed to provide care, protection and guidance to semi-independent adults, where overnight care is not provided. A facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm, or disabled adults who reside elsewhere.~~

*Agent.* The county administrator or ~~his~~ a designee.

*Agricultural operation.* An operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. Nursery operations are considered agricultural operations in addition to apiaries. Agricultural operations do not include establishments engaged in the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.

*Agriculture.* See “*Agricultural operation.*” ~~Agricultural uses to include farms (and farm residences), the tilling of soil, the growing of crops, horticulture, forestry, orchards and truck farming; the raising of livestock, dairy cattle, horses, or poultry. Nursery operations are considered agricultural uses.~~

*Airport.* Any area of land or water which is used for the landing and takeoff of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, easements and together with all airport buildings and facilities located thereon. An area of land designated for the takeoff, landing, storage, and maintenance of aircraft, together with all related airport facilities, runways, rights-of-way, approach zones, and other necessary structures.

*Alley.* A service way providing a secondary means of access to abutting ~~property~~ land and not intended for general traffic circulation.

*Antenna communication.* Structure designed to receive and or transmit communication signals which may be affixed and is incidental to a building or primary structure and is screened from view or installed to be compatible with the architectural integrity of the building or primary structure in accordance with section 28-88(b)(2) of this chapter.

*Apiary.* Any place where one or more colonies of bees are kept and/or managed.

*Aquaculture.* The propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, brackish, or fresh water. The hatching, raising, or breeding of fish or aquatic plants or animals for pecuniary gain.

*Assisted living facility.* Public or private assisted living facility, as defined in Section 63.2-100 of the Code of Virginia, that is required to be licensed as an assisted living facility by the Department of Social Services under the provisions of Subtitle IV (Section 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia. A facility providing shelter and services which may include meals, housekeeping, temporary nursing care and personal care assistance where the residents can maintain a semi-independent lifestyle and do not require more intensive care as provided in a nursing home

*Automobile graveyard.* Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located, or found. Any lot or place which is exposed to the weather, upon which more than three (3) motor vehicles of any kind, incapable of being operated are placed. This shall not be construed to include automotive avocations

*Awning.* A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window, or portion of the sidewalk from the elements.

*Bakery (bake shop).* An establishment primarily engaged in the retail sale of baked goods for consumption on or off-site. The baked products may be prepared either on- or off-site.

*Balcony.* A platform projecting from the wall of a building with a railing along its outer edge, often with access from a door or window.

*Bank (lending institution).* An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. Banks include those establishments engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers, pay-day lending, or title loan establishments. Banks may also provide automated teller machines (ATM) services, located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only. Banks may include drive-through facilities.

*Base flood/one-hundred-year flood/regulatory flood.* See Sec. 28-57(a) A flood that, on the average, is likely to occur once every one hundred (100) years, i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year.

*Base flood elevation (BFE).* See Sec. 28-57(a) The one-hundred-year flood elevation, expressed in feet above mean sea level, as established by the Federal Emergency Management Agency and shown on the flood insurance rate maps for Stafford County.

*Bed and breakfast inn.* A commercial enterprise, housed in a building primarily designed as a single-family residence, where rooms are available for rent, typically on a

short term basis and at least one meal a day is offered to overnight guests and where no more than ten (10) short-term lodging rooms and meals served family style are provided. The operator of the inn shall live on the premises.

*Berm.* A man-made mound of earth of at least two (2) feet in height above the adjacent grade intended to divert water runoff or shield adjacent uses from one another.

*Bike stations.* A centrally-located, secure bicycle parking garage that also offers bike rentals and repairs, with easy links to transit stations, lockers, and a variety of other services.

*Block.* A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

*Boat sales facility.* A building structure or land used for a commercial establishment engaged in the sales, lease, or rental of boats or watercraft, boat motors, or boat trailers.

*Broadcasting station.* A commercial or noncommercial operation engaged in the preparation and delivery of radio and television signals to surrounding areas. Broadcasting stations include accessory offices, studios, and towers, and transmitting equipment.

*Buffer area.* An area of natural or established vegetation managed to protect wetlands, other components of a critical resource protection area, including cultural resources, ~~and or~~ state waters from significant degradation due to land disturbances.

*Buffer yard.* A yard improved with landscaping and screening materials required between different intensities or between adjoining land uses for the purpose of decreasing the potential impact of different uses. ~~The buffer yard is intended to recreate or preserve native woodlands. The buffer yard is also intended to remain free of buildings, or parking areas. The minimum buffer width is generally a uniform width across the entire length of the common property line between lots on which uses are located that require a buffer yard.~~

*Buildable lot.* A duly recorded lot which was lawfully buildable or which complied with ~~each and every requirement of the county's zoning and subdivision codes immediately prior to the effective date of this chapter; or, a duly recorded lot which complied with each and every requirement of the county's current subdivision regulations and this chapter.~~

~~*Building, accessory.* A building detached from and subordinate to a main building on the same lot, and used for purposes customarily incidental to those of the main building.~~

*Building restriction line.* See “Building line

*Campground.* A plot of ground that includes, but is not limited to, a travel trailer camp, recreation camp, family campground, camping resort, camping community, or any other area, place, parcel, or tract of land, by whatever name called, on which two or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units

for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements. A campground does not include a facility for the parking or keeping of recreational vehicles, summer camp, migrant labor camp, or park for mobile homes as defined in Sections 32.1-203 and 36-71 of the Code of Virginia, or a construction camp, storage area for unoccupied camping units, or land upon which the landowner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines. upon which two (2) or more camp sites are located, established, or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education, or vacation purposes, and not intended for self-contained travel trailers or recreational vehicles.

Cellar. ~~A space within a building and located partially below grade, but with less than one-half of its floor-to-ceiling height above the average finished grade of the adjoining ground or with a floor-to-ceiling height of less than seventy-eight (78) inches. See “Basement.”~~

Chesapeake Bay Preservation Area (CBPA). Refer to county Code chapter 27B.

Clinic, medical, dental or psychiatric. ~~A building-room or group of rooms used for a medical, dental, or psychiatric practice offering medical services on an outpatient basis, including and including the full-time equivalent of three (3) or more principal health care providers and three (3) or more other health care providers, exclusive of administrative or clerical staff, providing services on the premises. A medical, dental, or psychiatric clinic may also contain associated in-house ancillary services such as in-house diagnostic testing facilities, medical counseling services, internal surgery, general anesthetics, and similar services, but not including~~ ~~There shall be no overnight stay or treatment.~~

Cluster. A subdivision development design technique that concentrates detached single-family dwellings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features and rural character as described in Code of Virginia, §§Sections 10.1-1700 and 15.2-2286.1. of the Code of Virginia.

Commission. The Planning Commission of Stafford County.

Common area. See “Open space land.”

Communication tower. See “Tower, communication.”

Conditional zoning. ~~means, as~~ As part of classifying land within the county into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such ~~property~~ land, such conditions being in addition to, ~~or modification of the regulations provided for a particular zoning district or zone by this chapter the overall zoning ordinance.~~

*Condominium.* A building or group of buildings, subject to a recorded condominium instrument, in which units are owned individually, and the structures, common areas, and facilities are owned by all of the owners of the units on a proportional, undivided basis, pursuant to the Condominium Act, Code of Virginia, Title 55, ~~ch. Chapter 4.2, 1950 (as amended)~~.

*Condominium, commercial/industrial.* A building or group of buildings used for businesses, office, manufacturing, professional services ~~and or~~ other commercial or industrial enterprises organized, owned and maintained as a condominium where building space is owned individually and the structure(s), common area(s) and facilities are owned by all of the owners on a proportional, undivided basis.

*Conical surface, airport.* An imaginary line surface establishing the maximum height of manmade objects or natural tree growth around an airport runway, extending upward and outward from the periphery of an airport's ~~the~~ horizontal surface at a slope of twenty (20) to one for a horizontal distance of four thousand (4,000) feet.

*Construction footprint.* The area of all ~~impervious surface including constructed site features~~, including, but not limited to, buildings, roads and drives, parking areas, ~~and~~ sidewalks, as well as required stormwater and erosion control devices, and the area necessary for construction of such improvements.

*County administrator.* See “Agent.”

*County attorney.* The county attorney or ~~his/her~~ a designee.

*Cul-de-sac.* A street segment beginning at the nearest intersection with another street and having only one outlet, and ending with ~~an appropriate~~ turn-around area for ~~safe and convenient~~ reverse traffic movement.

*Design and Construction Standards, Stafford County.* ~~Specifications and standards as adopted by or applicable in the county relating to the construction of all physical improvements, as they may be amended or supplemented from time to time. See “Water and Sewer Design and Construction Standards.”~~

*Development.* The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance; and any use, change of use or extension of the use of land or structure where there is an increase in parking or provision of stormwater management ~~is required~~.

*Development right or rights.* The permitted uses and density of development that are allowed on the sending property ~~under chapter 28 of the County Code in accordance with this chapter~~ on the date of severance of such rights. Development right or rights includes transferable development rights.

*Director.* The director of the department of planning and zoning or ~~his/her~~ a designee.

*Drive-through.* A facility designed to enable a person to transact business or order and pick up food while remaining in a motor vehicle.

*Driveway.* An access way within a development designated to serve the development and provide access to a street, private street, or private access easement, or

with an adequate width to serve one lot. The access way shall not be a private street or private access easement and is not intended to be shared with other land unless it is a shared driveway.

*Driveway shared.* An access-way and easement providing access for up to two lots that is connected to a public or private street.

*Driving range.* A commercial establishment equipped with distance markers, golfing greens, and golfing tees for the practice of golf. Driving ranges may also include accessory sales of golf-related items or concessions.

*Drug store (pharmacy).* An establishment or institution from which drugs, medicines, or medicinal chemicals are dispensed or offered for sale or on which a sign is displayed bearing the words "apothecary," "druggist," "drugs," "drug store," "drug sundries," "medicine store," "pharmacist," "pharmacy," or "prescriptions filled" or any similar words intended to indicate that the practice of pharmacy is being conducted pursuant to a license issued under Section 54.1-3300 et seq. of the Code of Virginia.

*Dry cleaner/laundry.* A retail establishment engaged in the on-site or off-site cleaning, dry cleaning, and pressing of garments and households linens for a fee.

*Duplex.* A two-family residential structure, where the residential units may be arranged one above the other, side-by-side or semi-detached by common footing.

*Dwelling, condominium.* ~~See Condominium A building or group of buildings comprised of dwelling units in which the units are owned individually and the structure(s), common area(s) and facilities are owned by all of the owners on a proportional, undivided basis, or by a unit owner's association.~~

*Dwelling, employee.* A dwelling unit intended solely for the an employee of a business and their immediate members of their family of a business within a community or development which has restrictions as to who would be eligible to reside, if at all, in the community or development. This term shall not include accessory dwelling and dwellings for watchman or caretakers on-premises.

*Dwelling, independent living unit.* A condominium unit ~~with multiple rooms~~ within a life care/retirement community providing independent living arrangements for the occupant(s) and may include permanent provisions for cooking. ~~The life care/retirement community may provide medical or social supervision for the occupant(s).~~ The unit may be within a multifamily building or have the appearance of a single-family detached dwelling, duplex, townhouse, or weak-link townhouse. This term shall not include a unit within an assisted living facility or nursing home.

*Dwelling, quadruple-attached.* One of four (4) attached (~~"buildings" which are used as~~) single-family dwellings units, each in an individual building; located side-by-side or two (2) side-by-side with two (2) directly behind them, on adjoining individual "lots"; separated from each other by a solid wall extending from the lowest floor to the roof; and entirely separated from any other "building" ~~by space on all other sides~~ development.

*Dwelling, semi-detached.* One of two (2) attached ~~"buildings" which are used as "single-family dwellings,"~~ located side-by-side on ~~adjoining individual "lots";~~ separated from each other by a solid wall extending from the lowest floor to the roof; and entirely separated from any other ~~"building" by space on all other sides~~ development.

*Dwelling, triple-attached.* One of three (3) attached ~~"buildings" which are used as "single-family dwellings,"~~ located side-by-side on ~~adjoining "individual lots";~~ separated from each other by a solid wall extending from the lowest floor to the roof; and entirely separated from any other "building" by space on all other sides development.

*Dwelling, village house.* A detached, single-family residential unit ~~distinguished by~~ with very small front and side yards. ~~All dwellings have a front porch, and es and building fronts are orientationed towards the street it fronts.~~

*Easement.* An interest in land that is in the possession of another, which permitsting a limited use of ~~enjoyment~~ of the land ~~in which the interest exists,~~

*Engineer.* A person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects of the Commonwealth of Virginia as a professional engineer.

*Equestrian use.* A use, whether for profit or otherwise, pertaining to the use, housing, and care of horses or ponies. Equestrian uses include facilities for the keeping, feeding, and care of horses as well as related facilities for riding, exercise, and training. Typical accessory uses include equipment storage, mechanical equipment for maintaining use areas, food storage, and parking areas. Occasional delivery of on-site veterinary services is also a common feature.

*Exhibition center.* See "Conference facility".

*Extinguishment of development rights.* The process by which development rights from a sending property are severed and extinguished from a sending property and transferred to a receiving property or transferee, pursuant to the transfer of development rights program under ~~chapter 28 of the County Code~~ this chapter.

*Family day care home, group.* A residence where child care is provided for more than five (5), but fewer than ~~thirteen~~ twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family and which is subject to state licensing on a paid basis.

*Family day care home, small.* An activity carried on by an occupant of a residence as an accessory use, in which child care is provided for five (5) or fewer children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home as residential occupancy by a single family on a paid basis.

*Farm winery.* An establishment engaged in the growing of grapes, honey, or other fruits for the production and resale of wine or other fermented beverages in accordance with Section 4.1-207 of the Code of Virginia. Farm wineries may also include limited retail sale of related products, and on-site special events, as an accessory use.

*Flea market.* An individual or congregate commercial retail activity conducted from ~~or at one or more~~ booths, stands, tables, or tents that may be conducted indoors or outdoors, where groups or individual sellers offer goods for direct sale to the public. This definition shall not include bazaars or charity fundraisers ~~conducted by and for the benefit of a for~~ nonprofit organizations conducted four times a year or less, provided such bazaars or fundraisers are conducted not more than four (4) times per calendar year at any location nor shall it include or periodic festivals provided such festivals are conducted not more than two (2) times per calendar year at any location. Flea markets shall be subject to the following standards twice a year or less. The operator of a flea market shall maintain a listing of all vendors utilizing the flea market with the name, permanent address, Social Security Number and home phone number of the vendors on the listing. The listing shall be kept current and made available to the sheriff's office upon request.

*Fleet parking.* Off-site ~~P~~parking and storage of more than five (5) operable vehicles, other than automobiles, which are used in the daily operations of a business ~~not located on site; or, the parking and storage of more than one vehicle with a gross vehicle weight in excess of ten thousand (10,000) pounds. This is not to be construed to~~ does not include parking and storage of farm vehicles ~~or equipment, or construction equipment, such as bulldozers, front loaders, backhoes and or~~ similar devices ~~which are not licensed to operate on state roads.~~

*Floodplain.* ~~See Sec. 28-57(a). Any land area susceptible to being inundated by water from any source.~~

*Floodway.* ~~See Sec. 28-57(a). The channel of a river or other watercourse, and the adjacent land areas, which must be reserved in order to discharge the base flood without cumulatively increasing water surface elevation more than one foot at any point, as specified by flood insurance studies for Stafford County.~~

*Forecourt.* An open area at, or within thirty (30) inches of, grade level that serves as an open space, plaza, or outdoor dining area.

*Freeboard.* ~~See Sec. 28-57(a) A factor of safety, usually expressed in feet, above a flood level for purposes of floodplain management.~~

*Frontage, building.* The width of a front building facade applicable to an individual building or ~~suite~~ unit within a building that is clearly visible from a public street or private travel lane, which provides primary access to the building.

*Group Homes.* See Residential facility, health department licensed.

Group Home. See Residential facility, social services licensed.

*Health official.* The director of the health department for the county or ~~her or his~~ a designee.

Hedge. A row of closely planted shrubs, bushes, or other vegetation that forms a boundary, screen, or fence.

*Highway engineer.* The residency administrator of the area of Stafford County employed by the Virginia Department of Transportation or ~~his~~ a representative.

Hospital. A facility licensed in accordance with the Code of Virginia in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums, sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

*Impervious surface.* A surface composed of any material(s) ~~which reduces or prevents absorption or percolation of water into the soil.~~ that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt or compacted gravel surface.

*Improvements.* ~~Any~~ All utilities, facilities, signs, lights, buildings and structures, including but not limited to, streets, storm and sanitary sewers, waterlines, curb and gutter, and landscaping, required pursuant to the terms of the ordinances of the county.

Integrated management practices (IMP). Low-impact development microscale and distributed- management techniques to maintain predevelopment site hydrology. Integrated management practices shall include bioretention facilities, dry wells, filter/buffer strips, grassed swales, rain barrels, cisterns, infiltration trenches and amended soils as specified in low-impact development design manuals.

*Junkyard.* The use of ~~any area of land lying within one hundred (100) feet of any state road or the use of more than two hundred (200) square feet of land area~~ in any location for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard."

*Kennel, commercial.* Any place ~~in or at which~~ where six (6) or more animals more than six(6) months of age are kept, boarded, groomed, bred, or trained for pecuniary gain on a regular basis.

~~—~~ *Kennel, noncommercial.* A place ~~in which~~ where six(6) or more ~~dogs or cats~~ animals more than six (6) months of age are kept and maintained by ~~a householder, the resident of the property , within or adjoining a private residence.~~ as an accessory use. All kennels will comply with the accessory structure/use regulations for the district. Occasional sale of ~~such~~ animals shall not ~~be construed as making such place~~ constitute a commercial kennel.

*Land disturbing activity.* ~~Defined in~~ See section 11-2 of the Stafford County Code.

*Landscape architect.* A person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects of the Commonwealth of Virginia through licensure as a landscape architect.

*Live entertainment.* Live entertainment associated with an adult use is defined in Sec. 4-86 of the County Code.

*Lot.* A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, ~~to be used, developed or built upon as a unit.~~

*Lot, corner.* A lot or parcel of land abutting ~~upon~~ two (2) or more streets at their intersection, or upon the same street forming an interior angle of less than one hundred and ten (110) degrees.

*Lot coverage.* ~~The impervious area portion of any lot or parcel including, but not limited to buildings, drives, parking areas, sidewalks, patios, decks, etc covered by impervious surface.~~

*Lot, double frontage.* A lot with frontage on two (2) parallel streets or upon two (2) streets which do not intersect at the boundaries of the lot. ~~A lot having frontage on two (2) streets, not at their intersection.~~

*Lot frontage.* See this section, “measurements.”

*Lowest floor.* See Sec. 28-57(a). ~~The lowest floor of the lowest enclosed area of a building including the basement.~~

*Machinery sale and service.* An establishment for the sale, rental, and/or service of equipment normally or routinely used by homeowners, on farms and in gardens, or on a temporary basis by nonresidential uses, and related parts, tools and accessories. Sale and repair of motor vehicles designed for transport are not considered machinery sale and service.

*Marina.* A facility for the storage (wet and dry), launching and mooring of boats, together with accessory retail and service uses, including restaurants and live-a-boards, except where prohibited by county code, but not including docks accessory to a land-based dwelling unit limited to the use of owners or occupants of ~~those~~ the dwelling units.

*Market value.* As used in this chapter, the building value, not including the land value or the value of any accessory structures on a lot. Market value may be established by an independent certified appraisal, replacement cost depreciated for building age or quality of construction, or adjusted tax assessed value.

*Multi-way Boulevard.* A major thoroughfare with associated on-street parking on adjacent frontage roads located in the UD zoning district and intended to carry high volumes of traffic.

*Nonconformity.* An lawful structure, lot, use, or sign which exists on the effective date of adoption or amendment of this chapter that could not be built under the current regulations in the district in which it is located.

*Nonpoint source pollution.* Pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development ~~and use.~~

*One hundred (100)-year flood.* A flood that, on average, is likely to occur once every one hundred (100) years; i.e., one that has a one percent chance of occurring each year, although the flood may occur in any year.

*Open space.* Undeveloped land or water left in undisturbed, open condition or developed as a landscaped area ~~unoccupied by habitable or~~ buildings, streets or parking lots, used primarily for resource protection or recreational purposes. This includes lands used for normal agricultural activities and left in cultivation.

*Open space land.* Any land which is provided or preserved for park or recreational purposes, conservation of land, or other natural resources; historic or scenic purposes; assisting in the shaping of the character; direction, ~~and or~~ timing of community development; wetlands; ~~or agricultural production, or forestryal production.~~

*Pad site.* Any part of the land originally developed as a shopping center, industrial park, or office park ~~containing, or~~ intended to contain, through sale or lease, at least one freestanding building designed, planned, constructed, and/or managed on an integrated and coordinated basis, with the shopping center, industrial park or office park.

*Pedestrian passage.* A pedestrian accessway connecting two public streets located mid-block in the UD district and intended to break up long blocks.

*Pedestrian shed.* A pedestrian shed is an area within a community located in the P-TND district that has a destination point in which most residents within the community would travel to, either walking or riding a bicycle.

*Pet store.* A retail establishment engaged in the retail sale of domestic animals such as dogs, cats, fish, birds, and rodents, along with equipment and food necessary for the keeping of pets. Limited on-site grooming is an accessory use, but a pet store does not include boarding or veterinary services.

*Performance guarantee.* A bond, surety, escrow account, ~~cashier's~~ cashier's check, or cash deposit approved by the board of supervisors, in an amount specified by the county, equal to one hundred fifty (150) percent of the full cost of improvements required by these regulations and intended to provideing for completion of said required improvements within a specified period of time.

*Place of worship.* A structure or place in which worship, ceremonies, rituals, and education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Places of worship include churches, mosques, synagogues, and temples. Accessory uses may include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

*Plan, comprehensive.* The plan for the development of Stafford County with accompanying maps, plats, charts, and descriptive materials adopted by the board of supervisors pursuant in accordance with to the Code of Virginia, (1950, as amended) Section 15.2-2223, et seq.

*Plan of development.* A plan or subdivision plat reviewed under this chapter to ensure compliance with Code of Virginia, § Section 62.1-44.15:74 of the Code of Virginia 40.1-2109 and this chapter, prior to any clearing or grading of a site or the issuance of a building permit.

*Porch.* A structure extending from the outside wall of a building above ground level with a roof but not enclosed by other than a protective railing and with or without or screening. Enclosure At such time a porch is enclosed with materials other than screening results in the creation of a building no longer considered a porch, it shall then comply with all the applicable requirements for a "building".

*Preliminary concept plan.* A basic sketch or plan that depicts zones or pods of individual land use types, general street location, open space areas, pedestrian access, and generalized stormwater management approaches for proposed development, together with a traffic impact study, submitted to the county and approved by the planning commission prior to the issuance of a building permit within the RBC zoning district. Engineering or construction drawings may be submitted, but are not required as part of a preliminary concept plan.

*Primary surface, airport.* A surface longitudinally centered on an airport runway. The primary surface for the Stafford Regional Airport runway extends two hundred (200) feet beyond each end of the runway and is one thousand (1,000) feet wide. The elevation of the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Primary travel lane.* A travel lane or drive that is not a public or private street and typically located within a development. whose total paved travel surface exceeds thirty six (36) feet in width.

*Principal street.* The street fronting a building in the P-TND district. Typically, the principal street is the one from which a building derives its street address.

*Private access easement (PAE).* An ingress/egress easement specifically authorized by the agent or designee to allow access to one newly created one or more lots of in a minor subdivision which does not have frontage on a public street.

*Private animal shelter.* A facility that is used to house or contain animals and that is owned or operated by an incorporated, nonprofit, and nongovernmental entity, including a humane society, animal welfare organization, society for the prevention of cruelty to animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals.

*Private street.* Any means of access to property which the public may not use without the permission of one or more owners of the property served.

Private travel lane. A travel lane or accessway serving a single-family residential lot or group of residential lots, but not considered a private street.

Propane and heating fuel distribution facility. A commercial establishment that ~~public facilities/utilities which stores and distributes manufactured and natural gas in large containers for [or] distributes the product directly~~ to the customer. The facility may fill or refill enclosed portable containers of natural or manufactured gas. This term shall not include the sale of enclosed portable containers of natural or manufactured gas at retail establishments.

Property. ~~Any~~ Tract, ~~or~~ lot, or parcel of land, or several of the same tracts, lots, or parcels of land, collected together for the purpose of subdividing, preparing a site development plan, ~~and/or developing establishing development.~~

Public facilities. ~~Any~~ ~~p~~Public works infrastructure typically supplied generally by a governmental organization for general public use including, ~~Such public works shall include,~~ but not be limited to, streets, highways, airports, parks, schools owned and/or operated by Stafford County or the commonwealth, public parking lots, water and sewer facilities, and police facilities, corrections, and fire protective facilities. ~~Community serving facilities, such as farmers markets, may be established on properties containing public facilities when deemed appropriate by the board of supervisors.~~

Public facilities/utilities. Buildings, structures and facilities including generating facilities, substations, switching stations, poles, lines (including distribution and transmission lines), pipes, pumping stations, water treatment facilities, wastewater treatment facilities (not including on-site sewage disposal systems), repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, broadband communications, water, sewer, and public transit to the public.

Public road-street. A publicly owned and maintained road-street. ~~designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to the erosion and sediment control laws of Virginia and the Virginia Stormwater Management Act. This definition includes those roads streets where the Virginia Department of Transportation exercises direct supervision over the design and/or construction activities~~

Public works. ~~Buildings, structures and infrastructures constructed by Stafford County or the Commonwealth of Virginia or a department of Stafford County or the Commonwealth of Virginia, in connection with another government agency or department of another county or municipality, at public expense for general public use, such as roads, highways, transit facilities, public parking lots, parks, public building, police, correction and fire protection facilities, and public schools owned and/or operated by Stafford County or the Commonwealth of Virginia. See “Public utilities.”~~

Push cart. A cart or stand used by a street vender to sell food, goods, or services at retail on sidewalks, parks, or other public gathering areas.

*Recreation, active.* Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields, ~~and~~ courts, swimming pools, skating rinks ~~and~~ areas, and golf courses are examples of active recreational uses.

*Recreation, passive.* Recreational uses, areas, or activities oriented to noncompetitive activities which require no special equipment. ~~Examples of passive recreational uses are n~~ Natural and/or scenic areas for hiking, sitting, walking, bicycling, equestrian activities, bird watching, and picnics are examples of passive recreational uses.

*Recreational enterprise.* ~~Enterprises~~ Commercial establishment where the principal use is the operation of such businesses as, providing recreational services including but not limited to, bowling alleys, skating rinks, swimming pools, tennis and racquetball courts, miniature golf, ~~and~~ health spas, martial arts instruction, and fitness centers.

*Recreational facility.* An enclosed, indoor area used by the general public for recreational purposes. Recreational facilities may include but are not limited to stadiums, arenas, skating rinks, video game facilities, or senior citizen recreational facilities. A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

*Recreational vehicle (RV).* A ~~vehicular~~, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, licensed by the department of motor vehicles.

*Recycling facilities.* A structure, or confined site or place where recycling activities such as the extraction and processing or reprocessing of useful materials from pre-sorted recyclable materials takes place. This definition is does not intended to apply to wrecked, inoperable, or abandoned motor vehicles or parts thereof.

*Redevelopment.* The removal and replacement, rehabilitation, or adaptive reuse of an existing structure(s), ~~or~~ building(s), or ~~of~~ land from which previous improvements have been removed. Replacement may include construction of residential, commercial, industrial, public, or other uses as well as provisions for streets, parks and other public works (facilities).

*Regulating plan.* The proposed land-use plan identifying the transect zones, primary ~~roads~~ streets, civic building and uses, pedestrian sheds, primary commercial frontage, and vista terminations for a traditional neighborhood development (TND).

*Resident.* A person who resides in ~~one~~ a dwelling for more than ninety (90) days in a calendar year.

*Residential facility, health department-licensed* means a facility in which no more than eight (8) individuals with mental illness, mental retardation, or developmental disabilities reside, with one or more resident counselors or other staff persons, considered as residential occupancy by a single family and allowed in any residential zoning district by-right. For the purposes of this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in ~~Code of Virginia, §Section~~ 54.1-3401 of the Code

~~of Virginia. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.~~ For purposes of this definition, residential facility means any group home or other residential facility for which the department of behavioral health and developmental services is the licensing authority pursuant to the Code of Virginia.

Resource Protection Area (RPA). That component of the Chesapeake Bay Preservation Area comprised of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters.

Restaurant (café). ~~Any~~ establishment, other than a licensed farm winery or bed and breakfast establishment as defined in ~~Code of Virginia, § Section~~ 4.1-100 of the Code of Virginia, or a cider press and store selling cider pursuant to a farm winery license, which provides as a principal use, the sale of food, frozen desserts, and/or beverages in a state ready for consumption within the establishment.

Restaurant, delivery. ~~Any~~ restaurant which conducts off-premises deliveries.

Restaurant, fast-food. ~~Any~~ restaurant where the principal activity is the sale of prepared or rapidly prepared food from a window or walk-up counter directly to the customer in a ready to consume state for consumption within the restaurant or off-premises.

Restaurant, sit-down. ~~Any~~ restaurant where the prepared food is delivered to a table by wait staff for consumption ~~on-premises by the customer without the option of off-premises delivery or off premises services.~~

Restricted access entrance. An entrance to a residential development from a public street to a private street or accessway equipped with a gate, gatehouse, or security cameras.

Retail food store. A medium to high intensity commercial retail use, ~~with greater than twenty thousand (20,000) square feet of gross floor area, where the primary use is engaged in~~ the retail sale of a complete assortment of food, food preparation, and wrapping materials ~~and household cleaning and servicing items.~~

Retail sale. To sell in small quantities directly to customers for their own use.

Right-of-way. A strip of land acquired by grant, reservation, dedication, prescription, or condemnation and ~~intended to be occupied or is occupied~~ by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, ~~and or~~ other similar uses.

Right-of-way width. The total width of a right-of-way as measured perpendicular ~~to~~ from the its sidelines thereof.

Safety area, airport. A rectangular area, symmetrical about the runway centerline, which includes the runway, runway shoulders, and stopways, if present. The portion abutting the edge of the runway shoulders, runway ends and stopways is cleared, drained, graded, and usually turfed. Under normal conditions, the runway safety area is capable of supporting snow removal, firefighting, and rescue equipment and of

accommodating occasional passage of aircraft without causing major damage to the aircraft. Includes both the airport primary surface and the runway clear zones at each end of the runway on the Stafford Regional Airport Imaginary Surface Map.

Security agreement. See “Performance guarantee.”

*Sending area.* One or more areas identified in article XX of this chapter and designated by the ~~ordinance codified herein and the comprehensive plan~~ as an area from which development rights are authorized to be severed and transferred to a receiving area or transferee without relation to any particular property.

*Sending property.* A separate parcel of land or contiguous parcels as set forth in subsection 28-357(b) of this chapter within a sending area that are the subject of a transfer of development rights, where the ~~landowner of the parcel(s)~~ is conveying development rights of the parcel(s), and on which those rights ~~so conveyed~~ are severed and may no longer be used ~~on said property as a consequence of the transfer of development rights.~~ If contiguous parcels comprise a particular sending property, ~~those contiguous parcels they are hereby~~ deemed to be one sending property.

Sign area. See this section, “Measurements.”

*Silvicultural activities.* Forest-management activities including, but not limited to, the harvesting of timber, the construction of roads and trails for forest-management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices and enforced by the state forester pursuant to ~~Code of Virginia, §Section 10.1-1105 of the Code of Virginia~~ and are located on ~~property land~~ defined as real estate devoted to forest use under ~~Code of Virginia, § Section 58.1-3230 of the Code of Virginia.~~

Specified anatomical areas. See Sec. 4-86 of the County Code.

Specified sexual activities. See Sec. 4-86 of the County Code.

Stoop. A small raised platform that serves as an entrance to a building.

Street, avenue. A collector or major thoroughfare street in the UD district used to connect neighborhoods.

Street, neighborhood local. See “Street, local.”

Street, multi-way boulevard. See “Multi-way boulevard.”

Street, neighborhood yield. A street type limited to residential areas in the UD zoning district that serves 250 vehicles a day or less.

Street, private access easement. ~~An easement through private property specifically authorized by the planning commission to allow access to a specified lot or parcel.~~ See “Private access easement (PAE).”

*Street, service drive.* A public right-of-way generally parallel with, and contiguous to, a major highway, primarily designed to promote safety ~~by eliminating pernicious ingress and egress to the major safe and~~ providing consolidated and orderly points of access to the major highway.

Subdivision. Any change or rearrangement in the boundaries or division lines of any lot, parcel, piece or tract of land, or the division of such lot, parcel, piece or tract of land into two (2) or more parts, pieces, tracts, parcels or lots excluding pre-existing cemeteries and parcels created for a public use conveyed to the Board of Supervisors for Stafford County by a deed of gift or similar instrument.

Substation. An un-manned facility serving the larger electrical distribution network that transforms electrical voltage from one level to another as electricity travels through the network. Electrical generation facilities are not considered substations.

Surety. See “Performance guarantee.”

Tailor. A retail establishment engaged in the retail sale of clothing and whole cloth for the purpose of making clothes. In addition to cloth sales, the use involves the on-site or off-site alteration and fitting of clothes. Dry cleaning or garment washing is not included.

Travel trailer. A vehicle designed to provide temporary living quarters of such size or weight as not to require special highway movement permits when towed by a motor vehicle and having a gross trailer area less than 320 square feet. See “Recreational vehicle.”

Turkey shoot. A shooting match or similar activity conducted by a nonprofit organization involving the discharge of firearms at a target or targets with the object of such activity being to determine a winner of a prize such as a turkey, ham, or other prize.

Ms. Sellers motioned, seconded by Mr. Milde, to adopt proposed Ordinance O15-04.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling  
Nay: (0)  
Absent: (1) Thomas

Ordinance O15-04 reads as follows:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE SEC. 22-4, “DEFINITIONS”

WHEREAS, at the February 18, 2014 meeting of the Community and Economic Development Committee (CEDC), staff presented a review of the definition section of the Subdivision Ordinance, performed by the consulting firm Clarion and Associates

WHEREAS, the CEDC recommended that initiation of the review process be referred by the Board to the Planning Commission for its consideration; and

WHEREAS, the Board referred the definitions section within the Subdivision Ordinance to the Planning Commission for its review and recommendations and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the testimony, if any, received at the public hearing; and

WHEREAS, the Board desires to amend Stafford County Code Sec. 22-4, “Definitions” to provide definitions of terms that are consistent with the Zoning Ordinance, the Virginia Code and the Comprehensive Plan; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good subdivision and planning practices require adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 2nd day of June, 2015, that Stafford County Code Sec. 22-4, “Definitions” be and it hereby is amended and reordained as follows, with all other portions remaining unchanged:

#### **Sec. 22-4. Definitions.**

For the purpose of this chapter, terms used herein shall be interpreted and defined as follows: Words used in the present tense shall include the future; words in the singular number include the plural, and the plural the singular unless the natural construction of the word indicates otherwise; the word "shall" is mandatory and not directory; the word "approve" shall be considered to be followed by the words "or disapprove." All gender oriented references shall include male and female genders. Any reference to this chapter includes all ordinances amending or supplementing the same and dates of their additions or deletions. All distances and areas refer to measurement in a horizontal plane.

The following sources may be referred to when interpreting any term of this chapter for which no definition is given:

1)The current edition of Webster’s New Collegiate Dictionary by Merriam-Webster Inc;

2)Tracy Burrows, ed. A Survey of Zoning Definitions, American Planning Association, Planning Advisory Service Report No. 421(1998); an

3)The current edition of Black’s Law Dictionary.

*Architect:* A person who, by reason of his knowledge of the mathematical and physical sciences, and the principles of architecture and architectural design, acquired by professional education, practical experience, or both, is qualified to engage in the practice of architecture and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects licensed by of the Commonwealth of Virginia to practice architecture through licensure as an architect.

*Best management practices (BMP):* A practice, or combination of practices, that is determined by a state or designated area wide planning agency to be the most effective and practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

*Boundary line adjustment:* A process where landowners may relocate or remove lot lines or ownership boundaries between lots of different adjoining landowners, or multiple lots under single ownership. Boundary line adjustments are typically not considered to be minor subdivisions.

~~*Building restriction line:* The minimum distance from all lot lines as specified in the zoning ordinance [chapter 28] within which the principal structure must be erected or placed. A line on a lot, parallel or symmetric to a lot line, located a sufficient distance from the lot line to provide the minimum yard(s) required by this chapter (also known as a "setback" or "building setback line").~~

~~*Bulb of the cul-de-sac:* The paved turnaround at the end of a cul-de-sac street.~~

~~*Certificate of approval:* A certificate or form signed by the agent indicating approval of a final plat in advance of recordation.~~

~~*Chesapeake Bay protection area (preservation area):* All appropriate land in Stafford County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70 et seq. and Code of Virginia Section 62.1-44.15:74. A Chesapeake Bay Preservation Area consists of a critical resource protection area and a land/resource management area.~~

~~*Circumvention:* Activity that results in a minor or family subdivision that is inconsistent of this chapter.~~

~~*Commission:* The Planning Commission of Stafford County.~~

~~*Condominium:* Real property, and any incidents thereto or interest therein, having condominium instruments recorded pursuant to the provisions of the Code of Virginia (1950, as amended). A condominium shall have the undivided interest in the common elements vested in the unit owners. A building or group of buildings, subject to a recorded condominium instrument, in which units are owned individually, and the structures, common areas, and facilities are owned by all of the owners of the units on a proportional, undivided basis, pursuant to the Condominium Act, Code of Virginia, Title 55, Chapter 4.2.~~

~~*Conservation easement.* An area to remain undisturbed and/or remain in its natural state as may be required as a condition of plan approval. A non-possessory interest of a holder in real property, whether easement appurtenant or in gross, acquired through gift, purchase, devise, or bequest imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural or open-space values of real property, assuring its availability for agricultural, forestry, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of real property.~~

~~*Cul-de-sac:* A street with one outlet and having a turnaround area. A street segment beginning at the nearest intersection with another street and having only one outlet, and ending with an appropriate turn-around area for safe and convenient reverse traffic movement.~~

~~*Developer or subdivider:* An individual, corporation, trustee, joint venture partnership, or other entity, having legal or equitable title to any tract or parcel of land to be developed, who submits a plan pursuant to this chapter.~~

*Development:* The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, any mining, excavation, landfill or land disturbance; and any use, change of use, or extension of the use of land or structure where there is an increase in parking or provision of stormwater management.

*Director:* The director of the department of planning and zoning or a designee.

*Double frontage:* A lot with frontage of a lot upon on two (2) parallel streets or upon two (2) streets which do not intersect at the boundaries of the lot.

*Drain field:* An arrangement of trenches containing perforated pipes and gravel covered by a layer of soil associated with an on-site septic or wastewater disposal system. Drain fields can be associated with a single use or can serve multiple uses as a community drain field.

*Driveway:* An area-accessway within a property development designated to serve the property development and providing access to a street, private street, or private access easement, or with an adequate width to serve one property lot. The area-accessway shall not be a private street or private access easement and is not intended to be shared with serve any other properties land unless it is a shared driveway.

*Driveway, shared:* An area-accessway within two (2) abutting properties and easement providing access for up to both two properties lots that is connected to a street public or private street. The shared driveway shall be an easement to be utilized by both properties. The width of the easement and the pavement type and width shall be the same as required for two (2) contiguous pipe stem lots. A shared driveway shall not serve more than two (2) properties and shall not be a private access easement. In the event use of the shared driveway is increased to provide access to a third property, either by a subsequent division of property or use by an adjacent lot owner, the shared driveway will be considered a street and must be dedicated to public use and improved by the owners of the lots served to satisfy the prevailing design and construction standards published in the Virginia Department of Transportation's Subdivision Street Requirements or other applicable VDOT standards.

*Director:* The director of the department of planning and zoning or a designee.

*Easement:* An interest in land that is in the possession of another, that permitting a limited use of enjoyment of the land in which the interest exists.

*Engineer:* A person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences and the principles and methods of engineering analysis and design acquired by engineering education and experience, and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects licensed by of the Commonwealth of Virginia through licensure as a professional engineer.

*Family, immediate member:* Any person who is a natural or legally defined offspring, stepchild, spouse, family member's spouse, sibling, grandchild, grandparent or parent of the owner of a parcel lot.

~~*Family subdivision:* Single division of lots or parcels permitted for the purpose of sale or gift to a member of the immediate family of the property owner.~~

*Floodplain, districts designated districts:* Those floodplain districts specifically designated in the zoning ordinance of Stafford County, Virginia, as being inundated primarily by the one-hundred (100)-year flood, a flood that on the average, is likely to occur once every one hundred (100) years. The floodway district (FW), the floodfringe district (FF), and the general floodplain district (FA) are included as designated floodplain districts.

~~*Floodway:* The channel of a river or other watercourse and the adjacent land areas, which must be reserved in order to discharge a the base flood without cumulatively increasing water surface elevation more than one foot at any point, as specified in the flood insurance study for Stafford County, Virginia. Such a flood, on the average, is likely to occur every one hundred (100) years.~~

~~*Governing body:* The board of supervisors of Stafford County, Virginia.~~

*Half street:* An existing or proposed street lacking the minimum right-of-way width required by the applicable standards of the Virginia Department of Transportation.

*Health official:* The director of the regional branch of the state health department responsible for Stafford County or a designee.

*Highway engineer:* The residency administrator of the area of Stafford County employed by the Virginia Department of Transportation or his a representative.

~~*Improvements, public:* All public utilities and facilities, including but not limited to streets, storm and sanitary sewers, water lines, and curb and gutter, required pursuant to the terms of the ordinances of Stafford County. See “Public facilities.”~~

**Crossreference** — Chapter 21.5, Stormwater Management Code.

*Landscape architect:* A person who, by reason of his special knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects certified by of the Commonwealth of Virginia to practice landscape architecture through licensure as a landscape architect.

~~*Lot:* A tract, plot, portion of a subdivision, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for development. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.~~

~~*Lot or [of] record:* A lot which has been duly recorded in the office of the clerk of the circuit court of Stafford County.~~

*Lot, corner:* A lot or parcel of land abutting two (2) or more streets at their intersection, or upon the same street forming an interior angle of less than one hundred and ten (110) degrees.

*Lot, double frontage:* See “Double frontage.”

Lot frontage: The dimension of a lot measured along the front lot line. If the front lot line is curvilinear, the lot frontage is to be measured on the chord of the arc.

Lot line: For the purpose of this chapter, any boundary line of a lot as defined herein.

Lot line, front: A street line which forms the boundary of a lot; or, ~~in the case~~ where a lot does not abut a street other than by an ingress/egress easement or private access easement (PAE), or has double frontage, that lot line which faces the principal entrance of the main building. On a corner lot, the shorter street line shall be deemed to be the front lot line regardless of the location of the principal entrance or approach to the main building. ~~A street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or has double frontage, that lot line which faces the principal entrance of the main building. On a corner lot, the shorter street line shall be deemed to be the front lot line, regardless of the location of the principal entrance or approach to the main building.~~

Lot, pipe stem: A lot which does not abut a public street other than by its driveway which affords access to the lot.

Lot of record: A lot which has been duly recorded in the Office of the Clerk of the Circuit Court of Stafford County.

Lot, reverse frontage: A lot in a residential subdivision which is adjacent to a public street that has been classified by the governing body or the Virginia Department of Transportation as a collector or arterial road and has its building front and its access to an internal local street.

~~Lot, pipe stem:~~ A lot which does not abut a public street other than by its driveway which affords access to the lot.

Lot width: The horizontal distance between the side lot lines, measured at the front building line. If the front building line is curvilinear, the lot width is to be measured on the chord of the arc parallel to the front lot line.

Main building: The principal building or structure on a lot.

Maintenance agreement: A recorded instrument between two or more landowners that documents the shared responsibilities for maintenance between all landowners who use or benefit from the shared easement or other site feature.

Monument: Any object, whether natural or manmade, that ~~has been or is to be~~ designated by deed, will, plat, or any official document for the purpose of defining a land boundary, either at a point of direction change, or at any intermediate point along a line, either straight or circular, between points of direction change.

Open space land. Any land which is provided or preserved for park or recreational purposes; conservation of land or other natural resources; historic or scenic purposes; assisting in the shaping of the character, direction, and timing of community development; wetlands (as defined in Section 28.2-1300 of the Code of Virginia); ~~or agricultural production, and or forestryal production.~~

Parcel: See “Lot.”

Pedestrian way: A walkway or other pedestrian facility provided in a subdivision where lots are less than one acre in area and sidewalks are not provided.

*Performance guarantee:* A developer's agreement secured by a letter of credit, cashier's check, certified check, cash, or cash escrow approved by the agent in accordance with the security policy of Stafford County. See "Security".

*Plan, comprehensive:* The plan for the development of Stafford County with accompanying maps, plats, charts, and descriptive matter adopted by the governing body-board of supervisors in accordance with Section 15.2-2223, et seq of the Code of Virginia (1950, as amended).

*Plan, concept (sketch):* An initial sketch or plan of a subdivision showing general lot layout, street placement, and open space areas for consideration by the county prior to submittal of a preliminary subdivision plan or final plat.

*Plan, construction:* An engineered plan showing proposed public improvements such as potable water, sanitary sewer, streets, drainage, erosion control, and stormwater management, as shown on an approved preliminary subdivision plan.

*Plan, preliminary subdivision:* A delineation or draft of a scheme for subdivision of land. The proposed schematic representation of development or subdivision that establishes how the provisions of Section 15.2-2241, Section 15.2-2242, other applicable statutes in the Code of Virginia, and this chapter will be achieved.

*Plan of development:* A plan or subdivision plat reviewed under this chapter to ensure compliance with Section 62.1-44.15:74 of the Code of Virginia, prior to any clearing or grading of a site or the issuance of a building permit.

*Plat:* A diagram or map, drawn to scale, showing tracts, parcels, lots, subdivisions, and land boundaries.

*Plat, final:* The schematic representation of land divided or to be divided and information in accordance with the Sections 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, 15.2-2264, other applicable statutes in the Code of Virginia, and this chapter. A schematic representation of a tract of land which is to be or has been subdivided in compliance with this chapter.

*Private access easement (PAE):* An ingress/egress easement specifically authorized by the agent or designee to allow access to one newly created or more lots of in a minor subdivision which does not have frontage on a public street.

*Proffer:* A voluntary offer, in writing, by a landowner, of reasonable conditions to be applied to land, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of an amendment to a zoning map.

*Property:* A tract, lot, or parcel of land, or several tracts, lots, or parcels of land, collected together for the purpose of subdividing, preparing a site development plan, or establishing development.

*Public facilities:* Public infrastructure typically supplied by a governmental organization for general public use including, but not limited to, streets, highways, airports, parks, schools owned and/or operated by Stafford County or the Commonwealth, public parking lots, police facilities, corrections, and fire protective facilities.

*Public utilities:* Buildings, structures, and facilities including generating facilities, substations, switching stations, poles, lines (including distribution and transmission lines), pipes, pumping stations, water treatment facilities, wastewater treatment facilities (not including on-site sewage disposal systems), repeaters, antennas, transmitters and receivers, valves and all buildings and structures relating to the furnishing of utility

services, such as electric, gas, telephone, broadband communications, water, sewer, and public transit to the public.

Record plat: See “Plat, final.”

Remnant or outlot: A piece or parcel of land within a subdivision that does not meet the minimum requirements for a buildable lot.

Reserve sewage disposal (drain field) site: An open area, typically located adjacent to an existing drain field or on-site septic system, intended to remain unencumbered by any structure or development (except for access or drainage improvements) and made available for use as a drain field or other component of an on-site waste water system if the current system malfunctions or reaches its capacity.

Reverse frontage lot: Any lot in a residential subdivision which is adjacent to a public road that has been classified by the governing body or the Virginia Department of Transportation as a collector or arterial road and has its building front and its access to an internal local road.

Right-of-way: A strip of land acquired by grant, reservation, dedication, prescription, or condemnation and occupied, or intended to be occupied, by a road, walk, crosswalk, railroad, public utility, electric transmission lines, oil pipeline, waterline, sanitary storm sewer, or other similar uses.

Security: A developer's agreement secured by a letter of credit, cashier's check, certified check, cash, or cash escrow approved by the agent in accordance with the security policy of Stafford County. See “performance guarantee.”

Sign, subdivision. A sign sixty (60) square feet or less in aggregate area identifying a subdivision by the name found on the recorded plat for such subdivision and located on the subdivision site at one or more of the entrances to such the subdivision. Said sign shall be no greater in height than six (6) feet above ground level and shall be set back from any right of way to allow for an unobstructed motorist view.

State secondary road system: Roadways within Stafford County that are owned and maintained by the Virginia Department of Transportation.

Street: Any means of property access that serves three (3) or more distinct properties, other than an alley intended to provide access to the rear of lots, designed in accordance with traffic-carrying capacities, specified by the standards of the county or the Virginia Department of Transportation's Maintenance Log of Functional Classification, whichever is applicable.

Street, major collector. A street that carries or is anticipated to carry a volume of traffic between one thousand one (1,001) and five thousand five hundred (5,500) vehicles per day with a right-of-way width of ninety (90) feet or more. These streets provide service to large communities or other major traffic generators not served by the arterial system, links to higher classified routes, and serve as important intra-county travel corridors.

Street, minor arterial. A street that interconnects and supplements the principal arterial system with a greater emphasis on land access and a lower level of traffic mobility. Right-of-way widths may vary from ninety (90) feet to one hundred forty (140) feet. These streets provide intra-community service as well as connecting rural collectors to the urban highway system.

*Street, minor collector.* A street that carries or is anticipated to carry a volume of traffic between four hundred one (401) and one thousand (1,000) vehicles per day with a right-of-way width of fifty-six (56) feet to sixty-four (64) feet. These streets collect local traffic and distribute it to the arterial system, and provide land access service and traffic circulation within residential, commercial, and industrial areas.

*Street, primary.* A street or highway anticipated to carry a volume of traffic exceeding three thousand (3,000) vehicles per day, designed and maintained as a part of the Virginia Primary System of State Highways.

*Street, principal arterial.* The most significant streets that serve long distance travel demands such as statewide and interstate travel. They provide service to major centers of activities, constitute the highest traffic volume corridors, carry the major portion of the area's through traffic, and provide continuity between other arterials.

*Street, private:* Any means of access to ~~property-land~~ which the public may not use without the permission of one or more owners of the ~~property-land~~ served.

*Subdivider:* ~~See developer.~~ An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or any other entity having legal title to a tract or parcel of land to be developed, whether or not they have given their power of attorney to another individual or entity to act on their behalf in planning, negotiation, or in representing or executing the requirements of the ordinances of the county

*Subdivision, cluster.* A subdivision development design technique that ~~groups lots for~~ concentrates detached single-family dwellings on a in specific areas on the site to allow the remaining land of the site to be used for open space as defined by this chapter recreation, common open space, and preservation of environmentally sensitive features and rural character as described in Sections 10.1-1700 and 15.2-2286 of the Code of Virginia.

*Subdivision, family.* Single division of lots or parcels permitted for the purpose of sale or gift to a member of the immediate family of the landowner.

*Subdivision, low impact development:* A subdivision that incorporates low impact development principles as an alternative to conventional subdivision stormwater management design for the purpose of protecting sensitive environmental areas in the vicinity of the subdivision.

*Subdivision, townhouse.* A subdivision of land for the purpose of accommodating townhouse development.

*Supervisors.* The board of supervisors of Stafford County, Virginia.

*Surveyor.* A person who, by reason of his knowledge of the several sciences and of the principles of land surveying, and of the planning and design of land developments acquired by practical experience and formal education, is qualified to engage in the practice of land surveying, and whose competence has been attested by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects licensed by of the Commonwealth of Virginia to survey land through licensure as a land surveyor.

Technical change: Changes to an approved preliminary subdivision or construction plan during the development process that comply with the requirements of this chapter, do not alter the basic design of the subdivision, do not change the functional interrelationships between elements in the subdivision, and that do not increase anticipated traffic volumes.

Technical review committee (TRC): The committee consisting of governmental agency representatives with the responsibility for the technical review of subdivision plans and plats and site plans as designated by the agent and a member of the planning commission. The TRC is empowered with the responsibility for the technical review of site plans under the standards in the County Code.

Traffic impact study (analysis): A study or analysis on the effects of traffic generated by a proposed development on the capacity, operations, and safety of the surrounding public street network prepared in accordance with the transportation impact statement guidelines in the Stafford County Transportation Plan and 24 VAC 30-155.

Urban services areas (USA): Areas designated by the comprehensive plan that may be served by public water and sewer facilities and services.

Vacation: Relocation or removal of platted lot lines, but not including relocation of streets, alleys, easements, or creation of additional building lots.

Virginia Uniform Statewide Building Code: The building code applicable for all development in Stafford County, Virginia.

Parks, Recreation and Community Facilities; Consider a Land Use Agreement with the North Stafford Community Improvement League on Behalf of the Stafford County Boy Scouts for a Primitive Camping Site at Curtis Memorial Park in Exchange for One-Acre of Land at Government Island Ms. Jamie Porter, Director of Parks, Recreation, and Community Facilities gave a presentation and answered Board members questions.

Mr. Snellings asked for clarification that the primitive camp sites at Curtis Park would remain available for anyone interested in primitive camping. Ms. Porter confirmed that the area would be open to all who were interested. Mr. Snellings asked for a definition of “Primitive Camping.” Ms. Porter said that it involved having to backpack into an unimproved location or wilderness area with minimal gear and leaving minimal impact to the area when leaving the site.

The Chairman opened the public hearing.

The following persons desired to speak:

David Jones

Paul Waldowski

The Chairman closed the public hearing.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R15-163.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling  
Nay: (0)  
Absent: (1) Thomas

Resolution R15-163 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ACCEPT ONE ACRE OF LAND AT GOVERNMENT ISLAND, TAX MAP PARCEL 30-180 WITHIN THE AQUIA ELECTION DISTRICT

WHEREAS, the North Stafford Community Improvement League (NSCIL), on behalf of the Stafford Boy Scouts, requests that the Board accept one acre of land at Government Island, Tax Map Parcel 30-180 (Property) within the Aquia Election District; and

WHEREAS, in exchange for the Property, NSCIL is seeking a land-use agreement at Curtis Memorial Park for a primitive camping site; and

WHEREAS, the Board desires to accept the donation of the Property;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2nd day of June, 2015, that the County Administrator be and he hereby is authorized to accept one acre of land at Government Island, Tax Map Parcel 30-180, owned by the North Stafford Community Improvement League, on behalf of the Stafford County Boy Scouts.

Mr. Milde motioned, seconded by Ms. Sellers, to adopt proposed Resolution R15-175.

The Voting Board tally was:

Yea: (6) Bohmke, Cavalier, Milde, Sellers, Snellings, Sterling  
Nay: (0)  
Absent: (1) Thomas

Resolution R15-175 reads as follows:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LAND-USE AGREEMENT WITH THE NORTH STAFFORD COMMUNITY IMPROVEMENT LEAGUE FOR A PRIMITIVE CAMPING SITE AT CURTIS MEMORIAL PARK

WHEREAS, in exchange for a donation to the County of one acre of land at Government Island, the North Stafford Community Improvement League (NSCIL), on behalf of the Stafford County Boy Scouts, desires a land-use agreement for a primitive camping site at Curtis Memorial Park (Park); and

WHEREAS, NSCIL and County staff reviewed all available County-owned land and determined the Park location to be the best for a primitive camp site for the County’s Boy Scouts; and

WHEREAS, the land used for camping at the Park would generally remain wooded, with any management decisions or improvements addressed in the land-use agreement between NCSIL and the County; and

WHEREAS, the land-use agreement would not impact current or future operations at the Park, and the Park generally will still be available for use by the public; and

WHEREAS, the Board carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, entering into a land-use agreement promotes the health and welfare of the Stafford County Boy Scouts, the County and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 2<sup>nd</sup> day of June, 2015, that the County Administrator be and he hereby is authorized to execute a land-use agreement with the North Stafford Community Improvement League (NSCIL), on behalf of the Stafford County Boy Scouts, for the use of a portion of Curtis Memorial Park for Scouting activities, contingent upon the NCSIL’s conveyance of one acre of land at Government Island (Tax Map Parcel 30-180) to the County.

Adjournment At 7:27 p.m. the Chairman declared the meeting adjourned.

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Anthony J. Romanello, ICMA-CM  
County Administrator

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Gary F. Snellings  
Chairman