

STAFFORD COUNTY PLANNING COMMISSION MINUTES
May 11, 2016

The meeting of the Stafford County Planning Commission of Wednesday, May 11, 2016, was called to order at 6:30 p.m. by Chairman Steven Apicella in the Board of Supervisors Chambers of the George L. Gordon, Jr., Government Center.

MEMBERS PRESENT: Apicella, Coen, Bailey, Rhodes, English, Boswell, and Vanuch

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, McClendon, Stinnette, and Hornung

DECLARATIONS OF DISQUALIFICATION

Mr. Apicella: Are there any declarations of disqualification on agenda item? Seeing none, are there any changes to the agenda? I don't think so. Okay. It's not the public presentations portion of tonight's meeting. This is an opportunity for the public to speak on any matter except the scheduled public hearing item. Please state your name and address before you start your comments, and address the Commission as a whole. You have 3 minutes to speak when the green light comes on; the yellow light indicates you have 1 minute left; and when you see the red light, please wrap up your comments. Is there anyone here who would like to speak? Okay, seeing none, I'll close the public comment portion of the meeting and go to the first item on the agenda. Mr. Harvey?

PUBLIC PRESENTATIONS

PUBLIC HEARINGS

1. COM16151125; Comprehensive Plan Compliance Review, Onville Estates - A request to review compliance with the Comprehensive Plan, in accordance with Virginia Code Section 15.2-2232, for the extension of sewer outside of the Urban Services Area, to serve up to 38 lots, on Tax Map Parcel No. 20-49J, located on the west side of Onville Road, approximately 300 feet north of Ebenezer Church Road and northern terminus of Oak Road, within the Griffis-Widewater Election District. **(Time Limit: July 10, 2016)**

Mr. Harvey: Thank you Mr. Chairman. The first item on the agenda is a Comprehensive Plan Compliance Review for Onville Estates, and if you'll please recognize Andrea Hornung for the presentation.

Mrs. Hornung: Good evening Mr. Chairman and members of the Commission. There we go. What we have before you is a Comprehensive Plan Compliance request for compliance with the Comprehensive Plan, in accordance with the Virginia Code Section 15.2-2232, for extension of sewer outside of the Urban Services Area to serve up to 38 lots, on Tax Parcel 20-49J. And the applicant/agent is Steven Varga of Enterprise Realty Services. The property owner being Stafford Sixty Two LTD PTR and others, and it's in the Griffis-Widewater District. The graphics that you see show, in the top left-hand corner, an aerial of the subject site, as well as the lower graphic that shows the current Comprehensive Plan of the land use in the area, the green being agricultural and the red being residential. The red line is the boundary of the Urban Services Area and that is the outer boundary. So this parcel is directly outside of that boundary, being that the boundary of the USA touches the southern boundary of the property. Also, the area in gray to the north is Marine Corps Base Quantico, and then you see there's residential on each side. At the bottom... the right portion of the property along Onville at the Urban

Planning Commission Minutes
May 11, 2016

Services Area line, there is a small parcel that is zoned B-2, currently zoned B-2. Here is a better graphic showing the current zoning and still keeping the USA boundary on the parcel. So you can see the A-1 and A-2 and the R-1 and R-2 below, south of the parcel. Some history of this parcel is that back in February 2006, there was a Comprehensive Compliance application submitted for 60 lots that was for a future proposed rezoning. But the Comprehensive Plan Compliance Review was approved for that subdivision, but the rezoning was denied. So, as a result of that, the Comprehensive Plan Compliance was null and void since it was attached to the rezoning. The... some other areas adjacent to this parcel to the east that you see in the green is Bald Eagle Hills, across Onville Road. Since that had issues with failing drainfields, they are connected to a low pressure sewer system even though they're outside of the Urban Services Area. Because one of the main points in the Comprehensive Plan is that if there are existing drainfields and they fail and they are posing a hazard and this is also upstream of the Smith Lake Drinking Water Reservoir, that there is a possibility that they can connect. And, in this case, they are connected to a low pressure sewer system.

Mr. Apicella: Did they come in for a CPCA... or CR, Comp Plan Compliance Review?

Mrs. Hornung: That was before my time; I'm not sure.

Mr. Harvey: Mr. Apicella, my recollection is that at the timeframe when that neighborhood was connected to the public sewer system as part of a neighborhood project, in the Comprehensive Plan at that time allowed neighborhood projects where we had these situations where there's a failing septic system. So, at the time it complied with the County's policies so there was no separate Comp Plan review necessary.

Mrs. Hornung: Computer please. Some additional information on this project is also that a site soil evaluation was submitted as part of the application to show that there are soils to the northern part of the property that are able to support a drainfield or a possible mass drainfield should this not be approved. Because of the hydrologic soil group A and B that could possibly support the drainfield, but further perk tests and evaluation would be needed to determine how many. In the... as evaluating the application, Objective 1.4 of the Comp Plan and Policies 1.4.1 and 1.4.2 discuss the ability that the growth should be discouraged in the rural areas outside of the Urban Service Area. Also, they should be characterized by large lot residential subdivisions or agricultural activities or even open space lands. And then they would also have limited services... limited public services, utilities, and facilities. Also, water and sewer should not be extended beyond the current boundaries with the following exception: that only to allow for the extension of public sewer utilities outside of the area only when there has been a documented risk, and where application of the current pump and haul policy would be financially excessive to County utility rate payers. And in this case, there has been no documented health risk that was submitted to us that had been researched, because the parcel is vacant. This is the proposed subdivision. Once this Comp Plan Compliance, should be approved for extension of sewer, the applicant would propose this 38 lot cluster subdivision. But review of the subdivision has not been completed because this request is specifically for extension of sewer. Once the subdivision is submitted, then staff will review the subdivision based on the Chapter 22 of the Subdivision Ordinance of the County Code and that it would comply.

Mr. Boswell: Could it increase at that time, or are they going to be held to 38 lots?

Mrs. Hornung: No. The Comprehensive Compliance is related to a project that could be up to 38 lots. And the information that we have, and as well as talking to the applicant, they would like to develop up to 38 lots. Even though this being an A-2 property and 58 acres, A-2 being 1-acre minimum, there's a possibility of developing up to 58 lots. But then you'd have to evaluate if the parcel could support 58

Planning Commission Minutes
May 11, 2016

lots with whether it's well and septic and sewer and the road network and any environmental constraints and stormwater management that would be required upon developing that subdivision.

Mr. English: Mrs. Hornung, I've got a question for you. Going back to the Bald Eagle Estates, when they hooked up to the sewer line, were those houses already existing at the time, right? So they're houses had... how long had that subdivision been existing before the system failed? Do you know? Jeff, would you know that?

Mr. Harvey: No sir, I don't know the details of how long the houses existed before they were connected. I do know that they existed prior to sewer being extended to that neighborhood. They did have failing systems.

Mr. English: Right, so they could have been in there 2 years or 3 years, or we don't really know, right?

Mr. Harvey: I don't know the details. We could research that if you'd like.

Mr. English: I'd be curious to know, yeah.

Mrs. Hornung: Okay, summarizing the positive impacts of this request is that Policy 1.6.5 does support cluster developments to preserve rural character, which this future proposal would be a cluster subdivision. Also, further extension of public water and sewer for residential development in this area is limited. It also minimizes the potential for any future groundwater contamination to Aquia Creek and the Smith Lake Drinking Water Reservoir. Extension would also minimize the potential for future failing drainfields as evidenced by the other subdivisions that we discussed that are across the street; for instance, Bald Eagle Hills. The items that cause this to be a negative aspect is that primarily Objective 1.4 as discussed in the Comp Plan does discourage growth outside of the Urban Service Area. And typically, when sewer is extended, then sewer creates growth... or facilitates growth. It's also inconsistent with the Land Use Plan Growth Management Policies of 1.4.2 which does not support extension of sewer or utilities outside the Urban Service Area. But this request is only for sewer, since water is at the southern part of the property in the adjacent neighborhood off of Oak Road and in the Comp Plan, when you are within 300 feet of any utility, you are required to connect. So staff recommends that because of the... even though there's several positive aspects, the major negative aspect that it is not in compliance with the Comprehensive Plan so that staff recommends denial of this request. And I'm available if you have any questions.

Mr. Apicella: Any questions for staff? Mrs. Bailey?

Mrs. Bailey: Mrs. Hornung, very close by is the elementary school. Is that in the USA?

Mrs. Hornung: No, that is outside the Urban Service Area.

Mrs. Bailey: Okay. Is that on public water and sewer?

Mrs. Hornung: I believe so, yes.

Mrs. Bailey: Okay. When septic systems fail and we have to go to pump and haul, and there's been quite a number of that going on throughout Stafford County and other localities; who pays for the pump and haul?

*Planning Commission Minutes
May 11, 2016*

Mrs. Hornung: I believe typically the customer does, but they have to go before the Board of Supervisors to request that they get approval for pump and haul.

Mr. Harvey: And Mrs. Bailey, if I can clarify, the Board recently has changed its policy with regard to pump and haul. There are two programs; a subsidized and unsubsidized program. And the subsidized program applied to homes that were put on pump and haul a number of years ago. The Board has now adopted a new policy to phase that out. The only people that'll be on a subsidized pump and haul will be the people that have relatively limited incomes; so it's an income-based approach. So, going forward, very few people will be on subsidized pump and haul. Most of them will be paying the full price, so there would be very little impact to the rate payers in the future.

Mrs. Bailey: Okay. And what is the approximate cost of that? To pump and haul?

Mr. Harvey: Several years ago I was told that a subsidy was about \$4,000 per home per year.

Mrs. Bailey: Alrighty, thank you.

Mr. Apicella: Thank you Mrs. Bailey. Mr. English?

Mr. English: Mrs. Hornung, could you go back to that map for a second please?

Mrs. Hornung: Yes sir. Computer please? The map of the area with the Urban Service Area?

Mr. English: Yes ma'am. Okay. Where is the creek, when you go up to Onville Road, where is the creek in conjunction with Holly Drive?

Mrs. Hornung: Can you see the solid blue? Those are the tributaries to the Aquia Creek.

Mr. English: Alright. And then, on the other side, that's going to be Quantico property, correct?

Mrs. Hornung: Yes sir.

Mr. English: So, once that subdivision is put in there, it can't be anything else on that side of the road, correct?

Mrs. Hornung: That is correct.

Mr. English: So, going back, on the backside of that subdivision, can you point it for a minute? Maybe I can show you. Where the subdivision is... right there -- is that anything in there? That's non-developed, correct?

Mrs. Hornung: That's the Kate Waller School.

Mr. English: Alright, I gotcha. And so there's no more development behind that either, right?

Mrs. Hornung: There could be...

Mr. Rhodes: The upper left picture helps show that a little better.

Mrs. Hornung: Oops; I'm sorry. Oh, that did show it a little bit.

Planning Commission Minutes
May 11, 2016

Mr. English: So that's the school...

Mr. Harvey: This is the school. There are a number of 3-acre lots that surround the school. I don't recall if they're on well and septic or water and sewer.

Mr. English: Well, if the school is on water and sewer, that would probably... they would probably be able to connect, correct, if they were having to build in there, Jeff?

Mr. Harvey: If they're within the minimum 300-foot distance, yes.

Mr. English: Okay, that's all. Thank you.

Mr. Apicella: Anyone else? Mrs. Vanuch?

Mrs. Vanuch: Mrs. Hornung, what would the County actually have to do? Let's say that if this were approved and they were to connect to the sewer. Is there anything that the County would be responsible for doing in order for them to make the connection?

Mrs. Hornung: I believe... well, what would happen is that the applicant would submit a plan and then the County will review it to make sure it complies with the County policies, and also that it's sized properly. But the developer would bear the cost of connecting that sewer to the County system.

Mrs. Vanuch: And do you have a map that shows what sewer they're planning to connect to? Like how far it is from the proximity of the land?

Mrs. Hornung: There's the Ebenezer sewer pump station. I think Jeff, you're controlling the pointer. That's at the bottom right corner along Onville Road.

Mrs. Vanuch: Right across the street?

Mr. Rhodes: Yep.

Mrs. Hornung: Yes. That's where they would connect.

Mrs. Vanuch: Okay.

Mr. English: Isn't there another pump station at the bottom by the creek? What is that? Before you get across the bridge, or is that Quantico?

Mr. Harvey: Mr. English, I believe that serves Quantico.

Mr. English: It is, okay.

Mr. Harvey: They have sewer to Camp Barrett.

Mrs. Vanuch: And the 4-acre parcel that we see carved out of here, it's my understanding in speaking with staff at the sewer department that they have actually already been granted access to connect to sewer. That is correct, right?

Planning Commission Minutes
May 11, 2016

Mr. Harvey: Mrs. Vanuch, I don't know the answer to that question, but I could certainly find out. If you spoke to representatives from the Utilities Department, I assume that's the case. That lot was created a number of years ago and is likely able to connect because it's directly across the street from the existing sewer.

Mrs. Vanuch: Yeah, that's what my understanding was from staff.

Mr. Harvey: In this case, those would be laterals rather than a new main, which a lateral typically is not regulated by the 2232 review process.

Mr. Apicella: Anyone else?

Mr. English: One more question.

Mr. Apicella: Mr. English?

Mr. English: I probably never spoke this much in a year. A question for you. If we didn't approve that, how many homes again can they build in there? If we didn't approve it?

Mrs. Hornung: By zoning, being A-1... A-2 and 58 acres, there's the possibility of 58 lots.

Mr. English: If we did not approve it?

Mrs. Hornung: If you didn't approve. But, that would have to be... that's the maximum they could build. But they'd still have to make sure that they have a drainfield, whether it be individual drainfields or a mass drainfield, that would support a number of lots.

Mr. English: Okay.

Mrs. Hornung: And that will happen when the soil scientist goes out and either determines where the drainfields are or determines what area can support a mass drainfield and how many connections can it accommodate.

Mr. English: Okay. Hypothetically, they go in there and they say, okay, you can build... and they can only build 40 homes. They come off with all this... everything's been approved and then 3 years later something happens and it fails. Then they'd have to hook up to the sewer system anyway, right?

Mrs. Hornung: If the sewer was there.

Mr. English: But the sewer's there.

Mrs. Hornung: Right.

Mr. English: Okay, that's what I'm saying. So, it could be in a situation, hypothetically, that if they got the homes in there, this could happen 5/10 years down the road, it could happen that they could hook up. Like happened at Bald Eagle Estates.

Mrs. Hornung: Right, as long as that exception is in the Comprehensive Plan that allows that.

Mr. English: Right.

Planning Commission Minutes
May 11, 2016

Mrs. Hornung: I mean, if it would change...

Mr. English: Okay. That was my question, that's it. I'm not going to ask any more.

Mr. Apicella: Okay, I have some questions and it's mostly questions that I've asked on previous cases that have been similar to this. The first thing I'd like to clarify, we got some comments from, I'm not sure if it was a representative of the Base or somebody who's interested about the Base's proximity to this project. But, the issue of whether or not this parcel gets developed by-right or as a cluster is not a matter before us tonight. The only... because they have that ability no matter what we do here tonight, right?

Mrs. Hornung: That is correct.

Mr. Apicella: So the only issue before us is, again, whether or not to authorize the extension of public sewer, because they didn't ask about public water in this case.

Mrs. Hornung: Yes sir, that's correct.

Mr. Apicella: This is also one of the few items where the Commission actually has the final decision authority, not just making a recommendation, although whatever we decide could be appealed to the Board.

Mrs. Hornung: That is correct.

Mr. Apicella: Okay. The application provides a slightly more than one page letter from Geo-Technology and it indicates that from their review that they could achieve at least 40 lots on a mass drainfield. That document by itself, is that fully conclusive or would they have to do more work to justify whatever number of lots would be appropriate for a mass drainfield? It's just a one page letter; it's not a study, it's just a...

Mrs. Hornung: Right. It's just a letter of the proposal but I would have to defer to the engineer for more technical information at how much work was done to determine that. It could have been preliminary findings.

Mr. Apicella: Okay. It indicated it just looked at a USDA soils something or another to glean what number they thought might be appropriate based on the different soil types.

Mrs. Hornung: Correct.

Mr. Apicella: And there have been no perk tests on this?

Mrs. Hornung: Correct, no perk tests.

Mr. Apicella: Okay. And just to reiterate, there's... to this point on this specific parcel, there's been no documented risk to public health?

Mrs. Hornung: Correct, not to my knowledge.

Mr. Apicella: Okay. How many Comp Plan Compliance Reviews have been before the Commission since 2010?

Planning Commission Minutes
May 11, 2016

Mrs. Hornung: We've had three and then with this would be four.

Mr. Apicella: Okay. And what was the Commission's decisions in each of those cases?

Mrs. Hornung: All of those were denied.

Mr. Apicella: Okay. By majority? Was it close in any of those?

Mrs. Hornung: No, it was a majority. There was one, it was 6-1 but the others were 7-0.

Mr. Apicella: Okay. Can you help me understand how the circumstances in this case is either different from or similar to the parcels in those other three cases?

Mr. Harvey: Mr. Apicella, if I may.

Mr. Apicella: Okay.

Mr. Harvey: One significant difference between this application and the others are the extent to which sewer would be extended through the project and the location of sewer relative to the project. In the case of Jumping Branch Farm, if I recall, the sewer was being extended more than a quarter mile to get to the property.

Mr. Apicella: I thought the... well, at least in terms of that parcel, it was immediately surrounded by other parcels that were in the USA. I don't remember where the actual utility lines were, but the parcel itself was kind of like this one.

Mr. Harvey: My recollection is it had Urban Service Area on two sides, the south side and the north side. It was sort of bridge between two Urban Service Area locations.

Mr. Apicella: Okay.

Mr. Harvey: Clift Farm Quarter was off of Route 1. They had sewer on their property actually. It's zoned A-1 so it's got a little bit different zoning classification. They were also proposing a cluster development. So it'd be fairly similarly situated to this property. Crow's Nest Harbour, that required extending sewer more than 3 miles to the property. That's similar zoning, A-2 zoning; however, it already had a platted subdivision and there was a number of technical issues why sewer would not be feasible to be extended to that property.

Mr. Apicella: In that case, though, they were willing to pay. At least they said they were willing to pay for the full cost of extending water and sewer, as I recall.

Mr. Harvey: Correct.

Mr. Apicella: Okay. Did any of the previous applications mention environmental concerns as a basis for requesting authorization for extending water and/or sewer into their development?

Mrs. Hornung: I don't recall.

Mr. Harvey: Mr. Chairman, I don't recall (inaudible).

Planning Commission Minutes
May 11, 2016

Mr. Apicella: I thought the Crow's Nest case because, again, that parcel abuts the Potomac River. Okay, as I understand it, one of the primary reasons for public sewer being requested in this case is proximity to a County reservoir and that neighboring projects had failed drainfields. Is that true?

Mrs. Hornung: That is correct.

Mr. Apicella: Okay. In the past, has the County made these kind of decisions based on the conditions experienced on neighboring parcels?

Mrs. Hornung: I don't recall. I think the application had to stand on its own when looking at it as it relates to the Comp Plan Compliance... Comprehensive Plan policies, whether it's in compliance with the Comprehensive Plan.

Mr. Apicella: Right, but in all the cases that I recall being a part of, it had to do with the documented health risk on that specific parcel, not on any other parcels close by.

Mrs. Hornung: Correct.

Mr. Apicella: Okay. On a countywide basis, how many improved parcels are there in close proximity to a County reservoir?

Mrs. Hornung: Several hundred maybe. To further... to get further information on that, we'd have to work with GIS and do some more analysis so that we could get you a better number than just looking at the map and presuming what parcels are around. And also, looking at the watershed as it goes up because, in the effect of Aquia Creek, that watershed goes all the way to the County/Fauquier County line.

Mr. Apicella: So, just to kind of go back to what you just said, on a countywide basis there are several hundred parcels that are in close proximity to a County reservoir, somewhat similarly situated to the situation we have here.

Mrs. Hornung: Some would be improved and unimproved. That analysis hadn't been done yet to determine the exact number.

Mr. Apicella: Okay. So, that was specific to proximity to a County reservoir. On a countywide basis, how many improved and unimproved lots are there in a close prox... where there's a waterway that feeds a reservoir?

Mrs. Hornung: I would need to do more research to get the...

Mr. Apicella: I mean, I live in a development that immediately next to me are going to be 60 lots, they're on well and septic, at least 10 of those lots about the Rappahannock and, at some point, the Rappahannock feeds into the Rocky Pen Reservoir, right?

Mrs. Hornung: Right. We have a lot; we have the Rocky Pen, we have the Lake Mooney, we have the Abel, and the Smith Lake. So there would have to be, looking at those specifically and working with GIS to fan out and see where the parcels that are developed, as well as undeveloped.

Mr. Apicella: Okay. So, in both of these circumstances -- again, waterways that are close to reservoirs or properties that are abutting reservoirs -- the vast majority of these parcels or lots are outside the

Planning Commission Minutes
May 11, 2016

designated Urban Services Area, right? Most of the lots on a waterway or by a reservoir are outside the Urban Services Area.

Mrs. Hornung: It's possible. I didn't do that determination (inaudible).

Mr. Apicella: Well, I didn't say all, I just said most. I mean, just looking at the tax maps and even looking at the map that you had, or the map we've been dealing with for the...

Mrs. Hornung: Right. There's some areas I think around Abel Lake that are not in the Urban Service Area, right? But the Smith Lake was and Lake Mooney there are some.

Mr. Harvey: Mr. Apicella, I believe you are correct. When we look at the watersheds and we can provide a watershed map, the watersheds are very extensive and most of the areas in those watersheds are zoned agricultural.

Mr. Apicella: Okay. You mentioned this but I just feel it's work reiterating. So, if the extension of public sewer is not approved in this case, the applicant can still develop residential units, some number, using septic systems for each lot or a community drainfield?

Mrs. Hornung: That is correct.

Mr. Apicella: So it's not imperative that they get public sewer; they have other avenues to develop this property.

Mrs. Hornung: That is correct.

Mr. Apicella: Okay, thank you. Any other questions? Okay, seeing none, will the applicant come forward?

Mr. King: Good evening Mr. Chairman and members of the Planning Commission, my name is Mark King. I am with Bowman Consulting; we are the civil engineers representing the owners, or the potential owners, of this property. I've been coming here for almost 30 years and I don't know if we've ever been just the only one, so it's sort of different. I think the Planning staff... well, first of all, I would like to thank members here of the Planning Commission for their... we had reached out to a number of you and had a chance to speak either through email or through separate meetings. Everybody responded so quickly and some of your Supervisors as well and our Supervisors. It was really... this has been kind of a model project I think for everybody's response, everybody's input, and I think it definitely makes for a better project and we feel we have one here. Let me introduce so you know who's here tonight, since there's not too many of us. On your left over here, far left, is Steve Varga; he's the applicant with Enterprise Realty. Matt Murphy, they're partners on this. In the back behind Steve is Bill Pyle; he is our Senior Engineer at Bowman Consulting. He's handling this project. Amin Ramin is here with Geo-Technology, or GTA for short. We'll also recognize Steve Hundley; he is from Quantico. He is here at the request of Colonel Murray. I think I forwarded everybody Colonel Murray's response to my email and he was very positive and thanked us for doing it. And I think Ms. Maurer had already given us a copy of their noise study that they did, the noise blast information, so we did have a copy of that and he forwarded another copy. I think Andrea did a super job here presenting this. And I think to give you a quick overview, when we're looking at properties like this theoretical densities, that's all well and good. But you have to look at the property and the first step you're looking at is topography, and you're looking at environmentally sensitive areas. This one has quite a bit with the northern boundary of the property at Quantico, and with Aquia Creek running there with Resource Protection Areas. Internally,

Planning Commission Minutes
May 11, 2016

we have an environmentally group and they went out and actually did an assessment of this -- we call it a Preliminary Wetland Reconnaissance Study Perennial Flow Study -- just to see what streams were perennial which would have a, you know, a hundred-foot RPA around it. And we were using the County GIS information for the topography. So, just based on that, you know, the theoretical density didn't really pan out. We did a few iterations of this layout, to say the least, probably on the 5 or 6 number. The one that I think everybody liked the most was about 43 lots. But what it did was we ended up impacting more environmental areas than we really wanted to. It's not only not good for the environment and where we're located, but it's also costly from a mitigation standpoint to do that. And from that sense, we came back and tried to narrow down this area which is probably in the 25 to 27 acre out of the 58 acres that we had on the map in the package that staff had sent you. And we went there and looked at utilizing the cluster ordinance which goes from 1-acre lots to .7-acre lots, and a lot frontage of 80. And conventional A-2 it's a hundred. So, we were able to squeeze the lots down and stay away from the environmentally sensitive areas. And based on this plan and some grading studies we have done at this point, we are under the thresholds. So, that's always good. The Corps of Engineers and DEQ, that's one of their first questions when they look at our plan avoidance. So, I think we've addressed that even though I think there were some questions that came up through some of our individual meetings about the two cul-de-sacs, why we weren't connecting it. And that was one of the reasons that we're actually crossing a tributary that had an RPA with it and would have been an impact. We reached out... Mr. Pyle reached out to the Fire Marshal just to make sure what we were doing was not, you know, incorrect or they wanted something different. And he responded and he said, based on what the code and specifications and standards are we will find, he did ask us to connect the water line there, between the cul-de-sacs and not leave them dead-ends -- which we can do, that's not a problem. I think to answer some of the questions that Chairman Apicella had, yes, we, you know, from a standpoint of development, I don't see us doing... there'd be no more than 38 lots. The potential owners of the property, Mr. Varga and Mr. Murphy, have even said they're willing to put a deed restriction in there that it cannot be developed any further. And I don't think it's really possible; once we have that subdivision developed, everything else is on the creek, next to Quantico, RPA, environmentally sensitive areas. We... in this case Mr. Harvey had talked about three, Crow's Nest, Clift Farm Quarter, and Jumping Branch Farm. And Clift Farm Quarter and Crow's Nest, those are, you know, much bigger pieces of property with a lot more lots, a lot further to go for connections. What Mrs. Hornung pointed out, our connection point is right across the street; it's, you know, the width of the road, so 50 to 60 feet to tie in. There's also an existing gravity sewer at the back of the property off of Oak Drive that's in the Glenwood Forest Subdivision. Potentially we could connect a couple lots from the subdivision to that and not have to do the low pressure sewer. It's not more than a handful and probably more like 2 or 3. So, the sewer's right there so, in the same case as the water, we have to connect to the water. There's a 24-inch water main in Onville Road, as well as water mains within the Glenwood Subdivision on Oak Drive that we need to connect to. We didn't even have to put the water in this application. We have to do that. And I think with the sewer being here, it does make sense. Even though there are no direct hazards that have been identified at this point, I think like we've told a lot of you in meetings and through emails and phone calls, I think sometimes when you're looking at the properties around you, Bald Eagle Hills is an example, you also have an example a little further to the east -- and I believe this was done somewhere around 2000... late 90's, early 2000's... it's called Smith Lake Estates. It was 31 or 32 3-acre lots. And Jeff, I don't remember if that was before the policy changed or not, but they also did low pressure sewer, petitioned the Board to do that which they did because they literally were right along the reservoir. So, in our case, we are probably a half a mile to a mile to the west of the actual normal pool of the reservoir. But nonetheless, we're right on Aquia Creek and if we had any failures with a mass drainfield or individual drainfields, and these are all due to maintenance, they do have a life to them. It's not like putting a pipe in the ground and, you know, you never have to worry about it. Mr. Ramin can maybe speak, if you have any questions, more about the drainfields. But there is a life to a drainfield and they eventually will have to be replaced and they'll have to be replaced sooner if the

Planning Commission Minutes
May 11, 2016

maintenance is not there. To answer the question I think everybody had asked about the letter that was written, what we did... it was not perked... but Geo-Technology had went out there and had done about 14 or 15 borings on the site and were looking for issues such as soil types, clay, you know, issues that could come up and cause a problem in development. And there were some borings that were done up on this ridge; it's a ridge that kind of separates where we had done... where we stopped the lots. It kind of separated us from Aquia Creek. That would be the area that we're looking at for a mass drainfield. So, there is work to be done on that; that would have to be done prior to construction plan being approved. This is less than 50 lots so we don't have to do a preliminary plan at this stage, so before the construction plan would be approved we would... the work would have to be done, Health Department review and approval, you know, before staff could approve this plan. We did meet with staff, we did meet with the Utilities Department; I think everybody was onboard with this and thought it was a good idea to be pro-active instead of having to react in the future. And again, there's no guarantee that it'll fail, but to be pro-active with this with sewer being so close I think it made a lot of sense. So, I don't know if I answered all the questions, if you have any other questions for me or anyone here... team members that are here, we'd be happy to answer them.

Mr. Apicella: Any questions for Mr. King or his crew? Seeing none, thank you.

Mr. King: Thank you Mr. Apicella.

Mr. Apicella: Okay, I'll now open the public hearing on this matter. This is an opportunity for the public to comment on this item. Please direct your comments to the Planning Commission as a whole, not to any specific member. You have up to 3 minutes to speak. Please state your name and address when the green light comes on. The yellow light indicates you have 1 minute left. And the red light means you need to quickly wrap up your comments. If anyone would like to come forward now, this is your opportunity to address the Commission. Okay, seeing no one, I'll close the public hearing and bring it back to the Commission for discussion.

Mr. Boswell: Mr. Chairman, I'd like to make a motion to approve item number COM16151125 allowing no more than 38 lots.

Mr. Apicella: Okay, there's a motion to approve CM16151125; is there a second?

Mrs. Vanuch: I'll second.

Mr. Apicella: Okay, it's been seconded. Any further comments Mr. Boswell?

Mr. Boswell: I had a whole list here but Andrea hit on just about everything that I was going to talk about, so I'm not going to bore everybody with hearing it again. The main reason I think this makes sense is because of the location and the proximity to Aquia Creek and Smith Lake Reservoir. I don't think we want to allow them to try to put 40 homes in there on well and septic and risk those failing as they have across the street in Bald Eagle Hills, and having to go back and do this later. So, I think it makes sense to do it now. That's all I'm going to say.

Mr. Apicella: Thank you Mr. Boswell. Mrs. Vanuch?

Mrs. Vanuch: I have a couple of comments. I think the first is, I see a significant difference between this application and the others listed prior as to the length that the connection is being made to the sewer. The fact that they already have to connect to water and the amount of homes that are being placed on these lots, the difference is between 70 up to 130 homes in some of the different applications. I have a

Planning Commission Minutes
May 11, 2016

very, very strong dedication to Aquia Creek. It also backs to my property; it runs all the way through Rock Hill Church, which is my district. There's a protected mussel in that creek and I would feel terrible if, you know, we encouraged you to build the mass drainfield, there was a failure, and then we potentially contaminated the creek. And with things like Flint, Michigan happening all over the country, I don't think that that is something that we should be risking. I did also contact the property owner of the 4-acre lot that's kind of carved out of your application for the subdivision, and they were very supportive of you guys being able to connect to sewer as well. And he was very happy that if, in fact, you were able to connect to sewer, that the trees could remain behind those lots because they are for sale. So, I think that's it.

Mr. Apicella: Thank you Mrs. Vanuch. Anyone else? Mr. Rhodes.

Mr. Rhodes: I think, reading through the staff packet, I think the staff were absolutely what we would have expected from their staff recommendation. We've always taken, as a Commission, a very significantly conservative approach to the Comp Plan Compliance Reviews, looking and applying only in the most unique of situations. I think in the last 10 and a half years I think I can recall maybe two that we've approved in 10 and a half years. It's not a common occurrence. That said, I think that this might be one of those unique instances where it's appropriate. I am, like Mrs. Vanuch, struck by the limited number of homes that are being applied to this. It ends up about one home per one and a half acres in the structure, so limited homes. It's not the try and shove density into a location. The landlocked nature -- we've always been concerned where do you draw the line? If you do one extension, then it's the property next to it that's now abutting water and abutting water. But we've got a landlocked nature here to this property; that makes it fairly unique from others. Certainly we cannot fail to be informed by the failures across the street, the proximity to the water, the combination of factors. I think this is probably one of those unique instances and I'm sure Utilities would probably be more comfortable in this effect. They typically are whenever we can get it on to sewer, they tend to prefer it. But again, I am very cognizant of the extremely conservative nature we typically take to a Comp Plan Compliance Review, but I do feel like, in this instance, it's one of those unique circumstances. Thank you Mr. Chairman.

Mr. Apicella: Thank you Mr. Rhodes. Anyone else? Mr. Coen?

Mr. Coen: Yes, if I could. When I saw this on Friday, it was rather intriguing. In one part because, for the past year, we've been dealing with the Comp Plan revision. And I was just surprised that because of the various elements in the community, I was surprised that this hadn't been brought up during then, and I checked with Mike Zuraf and it hadn't been brought up by then. With various Commissioners, Supervisors, land owners, land owners' lawyers, the public giving input, it just seemed odd. So then I asked around and I saw that many other members of the Commission had been reached out to on this, either by emails or as you point out meetings. And I hadn't heard anything. So I was sort of flying blind on this until I received the package on Friday. So then I started asking staff. I really think that, and I had tried... I bothered staff a great deal since Friday on this... when you heard Mrs. Hornung give the explanation of the other parcels in that area who are having... some have this, some have that, schools on this but maybe we don't know about the neighbors... this would have been a perfect thing had it been brought before us for us to address an entire area and to do something in a comprehensive logical fashion, especially since as we find... if we hear, this is a request for sewer because they can do the water because of the 300-foot rule. It just seems like it would have been more cohesive. We can't do that. Ms. McClendon makes it clear we can't turn around and say well, since we've already advertised for the Comp Plan we can address all the other things in this area. So it's sort of looking at it as it is before us. In all of the ones that I have been here about the USA and whether or not we do anything about changing USA lines, my attitude has been to defer with respect to the Commission from that district. That Commissioner knows their district. That Commissioner knows whether a line should

Planning Commission Minutes
May 11, 2016

be moved out, like in this instance, or a line should be moved in. They know their people and their district. So, I'm not sure if that's a reciprocal viewpoint of others, but to me it is to show respect for that Commissioner. And so, I will support this Commissioner, Mr. Boswell's request in this instance to be consistent with that. I do wonder if we could get something written that they mentioned about trying to do something in writing about preserving the rear-end of the property, which is the most environmentally sensitive as Mrs. Vanuch points out. So I don't know if we can do that as a friendly amendment or just sort of, you know, ask something. But I think that that would be a good move on their part to guarantee that that area, which is the most sensitive, would be preserved.

Mr. Apicella: Mrs. Hornung?

Mrs. Hornung: Members of the Commission, if they propose a cluster subdivision in the A-2, they are required to set aside 30% of the property in open space, and there is to be no development in that area. So, that could be part of the area that they set aside.

Mr. Coen: Right. And I guess... one of the things that we've been, and I don't think it's been addressed, is what's called open space? Whether it's the little bit in the front and we tag a little bit here. I think it's their intention, from what they said, that that is what they would do and they said they would be willing to write it. So, I just think that that would be a good faith effort on their part. It may not be something we can do -- I'm getting nods from Mr. Harvey and Ms. McClendon that they can't, but it just would be nice on their part.

Mrs. Hornung: We do have regulations that require the description of the open space that's set aside, 30% and what it's to be used for, and that it follows industry standards because that part of the open space ordinance was revised within the last, I believe, 6 months.

Mr. Apicella: Thank you. Sorry.

(Inaudible - microphones not on).

Mr. Apicella: Any other comments?

Mrs. Bailey: Mr. Apicella, just want to concur with Mr. Rhodes and Mrs. Vanuch. I am in agreement with their previous comments. I do think this is a bit of a unique situation given the proximity of this site to the reservoir in consideration of the Bald Eagle Hill Estates. We've already... although that shouldn't set a precedence and I don't think that it does, but we definitely have adjacent properties that had failed septic fields. And it just seems to me common sense approach to avert any potential issues down the road. You know, in my business I work with a lot of individuals who have had to deal with septic fields, and especially those that fail, and whether it's 5 years down the road or 35 years down the road, it's certainly not a pleasant experience to have to go through. The hookup is there. It's not going to impact or cause an extreme amount of future growth; it's location to Quantico will certainly help with that. So I'm going to be in favor of this.

Mr. Apicella: Thank you Mrs. Bailey. Mr. English? You sure you don't want to say anything? Okay. While I respect the views of my colleagues and I'm in no way opposed to this development, I'm not going to support the extension of sewer to this parcel not because I disrespect any individual or the folks who have put forward an application here. Because in my view, like the other cases before us previously, I don't believe the circumstances meet the current criteria for an exception. Unfortunately, those criteria are very limited and I hope at some point in time we'll revisit those criteria, because I don't think it addresses unique circumstances like this. And a change I think is probably long overdue.

Planning Commission Minutes
May 11, 2016

I'd also point out that neither the BOS or any other... the Board of Supervisors, or any other party has asked us to change the criteria in 3 years we've been working on the Plan. And, in the absence of changing the criteria to fit these specific set of circumstances, what I worry about is that the approval in this case may set a precedent for the hundreds of parcel owners who are outside the USA, who have property that abuts a County reservoir or a waterway and, as Mrs. Hornung said, that's hundreds of property owners. And they also have a potential for failing drainfields that could unfortunately seep into our waterways or our reservoir. Again, we haven't changed the policy yet. I think we need to change the policy. I think we have to go based on the policy as it exists today, not on the policy as it might exist tomorrow. And for that reason, I think approving this specific request goes against the Comp Plan policies. And for that reason I'm not going to support it. Okay, all those in favor of the motion signify by saying aye.

Mr. Rhodes: Aye.

Mrs. Bailey: Aye.

Mr. Coen: Aye.

Mr. English: Aye.

Mr. Boswell: Aye.

Mrs. Vanuch: Aye.

Mr. Apicella: All opposed. Nay. The motion carries 6-1. Okay, moving on...

Mr. King: Can I just say something? Mr. Coen, that's all on me. I wondered why you didn't respond. Now I know. That was my fault. I truly apologize.

Mr. Coen: No problem. In my occupation, I'm used to being slighted. So, no problem at all.

Mr. King: Thank you guys very much.

UNFINISHED BUSINESS

NONE

NEW BUSINESS

NONE

PLANNING DIRECTOR'S REPORT

Mr. Apicella: Okay, there's no Unfinished Business and there's no New Business. Planning Director's Report?

Mr. Harvey: Thank you Mr. Chairman. Just one item of note; the Commission, as well as several key staff members, have received the state form for Statement of Economic Interest. Just a reminder that we're required to submit those back to the County Administrator's Office by June 15th.

COUNTY ATTORNEY'S REPORT

Mr. Apicella: Thank you. County Attorney's Report.

Ms. McClendon: I have no report at this time Mr. Chairman.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

2. TRC Information - May 25, 2016
 - ◆ Embrey Mill Ph 1 Sec 5 - Garrisonville Election District
 - ◆ Leeland Station Sec 6D - Falmouth Election District
 - ◆ Jumping Branch Farm - Hartwood Election District

APPROVAL OF MINUTES

NONE

ADJOURNMENT

Mr. Apicella: Thank you. There are no Committee Reports and I have no reports. Everyone's got their TRC information. Yay! It looks like there are some of us who have something. Approval of minutes, none. Is there a request to adjourn?

Mr. Coen: So moved.

Mrs. Bailey: Second.

Mr. Apicella: Alright, we're adjourned.

With no further business to discuss, the meeting was adjourned at 7:24 p.m.