

STAFFORD COUNTY PLANNING COMMISSION
January 20, 2010

The meeting of the Stafford County Planning Commission of Wednesday, January 20, 2010, was called to order at 6:30 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Fields, Rhodes, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Roberts, Stinnette, Zuraf, Stepowany, Baral, Bullington, Waslov, deLamorton, Hornung and Hess

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Right now I would ask if there are any disqualifications of any members of the Planning Commission. Hearing none, we will continue. Now, on the published agenda this evening, there are five items under the unfinished business and there are three under new business. And the three under new business actually have, I believe, there is staff here to address the new items and there might also be representatives from the applicant. So, I would entertain, since it's changing the agenda, I would entertain a motion to allow the new business to be moved forward on the agenda and then we would continue with the unfinished business.

Mr. Mitchell: Mr. Chairman, I make a motion that we change the agenda in that we will start with the new business and then we will get back on the regular schedule.

Mr. Fields: Second.

Mr. Howard: Any discussion? All those in favor?

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Any opposed? The motion passes. So, we will start with new business which is the Southgate Hills Preliminary Subdivision Plan.

NEW BUSINESS

6. SUB2900164; Southgate Hills - Preliminary Subdivision Plan - A preliminary cluster subdivision plan with 24 duplex units on 12 lots, zoned R-1, Suburban Residential, consisting

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of 10.93 acres located at the end of Port View Drive of the Southgate Subdivision, approximately 1,900 feet from the Cambridge Street entrance to the Southgate Subdivision and 2,400 feet from the Truslow Road entrance to the Southgate Subdivision on Assessor's Parcel 45-163 within the Hartwood Election District (REF Cluster SUB2900120). **(Time Limit: April 15, 2010)**

Mr. Harvey: Mr. Chairman, Jamie Stepowany will be making the presentation for staff.

Mr. Howard: Thank you Mr. Harvey. Good evening Jamie. We moved you up in the batting order; is that okay?

Mr. Stepowany: I just asked the engineers and they nodded that they're okay with it.

Mr. Howard: Great, thank you.

Mr. Stepowany: Thank you Mr. Chairman and members of the Planning Commission. Computer please. We are discussing item number 6 which is the Preliminary Subdivision Plan SUB2900164 for Southgate Hills. The applicant is Gary Dempsey of Dominion Consulting and Management. The owner is John Gulatsi of MCC Southgate, LLC. Date of the application submitted was June 2, 2009. They had a TRC on July 8, 2009. The engineer is Justin Troidl of Bowman Consulting. Southgate Hills deals with Assessor's Parcel 45-163. It is at the end of Port View Drive of the Southgate Subdivision, approximately 1,900 feet from the Cambridge Street entrance and only 750 feet from the Truslow Road entrance. The size of the parcel is 10.93 acres and it is zoned R-1, Suburban Residential. There are twelve lots for twenty-four duplex units and it is in the Hartwood Election District. This is the location of the property; it is in blue outline. This is Jefferson Davis Highway to the east and Truslow Road is to the west. And to the west and north of it is Southgate Subdivision and you would go through Southgate to get to this subdivision. And this is just an aerial photograph; there are no real improvements to the property. Here is Truslow Road over to the west and Jefferson Davis... Cambridge Street, I'm sorry; it's Cambridge Street at that point to the east. This is the site plan of the preliminary plan. This is the entrance off of Southgate which comes into two little cul-de-sacs with twelve lots with duplexes on each lot and the open space around it with RPA bordering the north side of the property. There was a preliminary subdivision plan denied by the Planning Commission on January 21, 2009, known as Southgate Section 2. The applicant submitted a new application for a cluster concept which was approved on May 28, 2009. The cluster concept plan also approved for 1.89 acres of usable open space which included a pedestrian trail, a tot lot and a multi-use grass field. The site will be used by public water and public sanitary sewer. And the stormwater management is contained through adjoining properties per Section 21-5 of the County Code and RPA was field located on the property. And staff recommends approval of Southgate Hills Preliminary Subdivision Plan, application SUB2900164. And I will be more than happy to answer any questions the Planning Commission may have.

Mr. Howard: Thank you Mr. Stepowany. Are there any questions of staff from the Planning Commission? Ms. Kirkman.

Ms. Kirkman: Mr. Stepowany, how does this plan differ from the plan that was previously denied by the Planning Commission?

Mr. Stepowany: I do know that this one does not have pipe stem lots. I would have to refer to the engineer as to other layout plans. I know there was a lot more effort put into the usable open space and

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not including the slopes with usable open space, and having a tot lot within the boundaries of the property which was one of the other concerns.

Ms. Kirkman: When staff reviewed this plan, did they go through each of the concerns the Planning Commission cited in its last denial and address each of those concerns in their review?

Mr. Stepowany: I did go over the comments also, but this was actually treated as a new application. And we did take into consideration of what was the reason for denial of the original application, yes.

Ms. Kirkman: Great, so you can tell me how it differs from the previous plan in terms of the vicinity map.

Mr. Stepowany: Well, they said that the vicinity map needed to show the subdivision's one mile radius and it does show where all the different subdivisions are.

Ms. Kirkman: Great. And so, also in terms of the cul-de-sacs, one of the issues here was what was the overall length of the cul-de-sac in relationship to the overall subdivision that it joins. What is the measurement of that?

Mr. Stepowany: The cul-de-sac is actually at the end of the street. Can I have the computer please for clarification? The cul-de-sac starts from this intersection. According to VDOT, it is a secondary street. They have what are called segments and they put segments at each "T" intersection. So, right here at this "T", from this "T" to the end of the bulb is the cul-de-sac. From this "T" to the other intersection is a block length. And that block length is only 750 feet.

Ms. Kirkman: What is the length from the center of the cul-de-sac all the way to the end of that street?

Mr. Stepowany: I will have to refer that to the engineer.

Ms. Kirkman: That was one of the issues that was raised in the previous review of the, because the basic thinking behind limiting links and the number of houses on a cul-de-sac is for emergency evacuation purposes. So you cannot answer now whether or not, from that cul-de-sac all the way to the end, meets the requirements of the subdivision?

Mr. Stepowany: It meets the requirement of a block length. From this intersection right here to the intersection closest to Southgate is a block length. It meets the minimum requirements of the length of a block. The cul-de-sac is from this intersection to the end of the bulb, according to VDOT and how they design streets and where they put segments.

Ms. Kirkman: But we're here going by our Code definitions and...

Mr. Stepowany: Yes, and this is how we define cul-de-sacs also. Cul-de-sacs are streets that don't have interruptions of any other streets. If you go from the intersection in Southgate to the end of this bulb, there is a street right here that intersects it; therefore, that breaks it and it is no longer a cul-de-sac until you get to that point.

Ms. Kirkman: So, one of the common mistakes I often see being made is confusing streets with block lengths. And we have a different definition in our ordinance of a block length than we do of a street.

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And the block length is the uninterrupted side. On the right is an uninterrupted side; how long is that uninterrupted side?

Mr. Stepowany: It's not an uninterrupted side.

Ms. Kirkman: I don't see any streets interrupting it.

Mr. Stepowany: There's a street that interrupts it right here; it's not only on one side, it's the segment of the street.

Ms. Kirkman: Okay. Well, while other people ask their questions I will look up the definition for you of block.

Mr. Howard: Okay, are there any other questions of Mr. Stepowany? Mr. Stepowany, how does this differ from the cluster subdivision that was approved on May 29, 2009? So, there was a plan, or is this the plan that you are advancing forward? So, Ms. Kirkman asked the question of how did it differ from the plan that was denied; I'm asking how does this differ from, you mentioned in your comments, there was a revised plan that was approved on May 28, I think.

Mr. Stepowany: Right, the revised cluster concept plan was approved May 28th after the original plan was denied. One of the discussions for denial was that the subdivision ordinance requires the preliminary subdivision plan to be submitted after a cluster concept plan is approved. So, the cluster concept was submitted and approved and then they submitted the preliminary subdivision plan afterwards.

Mr. Howard: Okay, and that's what we have before us now?

Mr. Stepowany: Yes.

Mr. Howard: And the changes that you just referenced are the only changes that were made to the subdivision plan?

Mr. Stepowany: That Ms. Kirkman has been asking about?

Mr. Howard: Yes.

Mr. Stepowany: I would have to refer to the engineer about what other significant changes were made to this plan from what was denied.

Mr. Howard: Okay. And you've read through the plan and you've read the County Code and you've read the definition of a block. And you're advancing this indicating that staff is in the belief that this is in conformity with those Codes?

Mr. Stepowany: That's correct.

Mr. Howard: Okay, thank you.

Ms. Kirkman: Mr. Chair? So, Mr. Stepowany, according to our ordinance, the definition of a block is as follows: "A unit of land bounded by streets or by a combination of streets and public land, railroad

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rights-of-way, waterways, or any other barrier to the continuity of development?”. Could you please show me, on the easterly side of that, what is the barrier to the continuity of development?

Mr. Stepowany: Well, as I said, in discussions also with VDOT and their new standard, this cul-de-sac here is a street and that is a barrier. So going from the segment up there, plus there is open space and there could also be other natural resources that could form the boundaries of a block.

Ms. Kirkman: So, open space by our ordinance is not one of the things that constitutes a barrier to development...

Mr. Stepowany: It could constitute a barrier.

Ms. Kirkman: So, in other words, you're looking very hard to find a way to circumvent the requirements around cul-de-sacs and block lengths. I mean, really...

Mr. Stepowany: I am separating (inaudible)...

Mr. Howard: Ms. Kirkman, I would ask that your comments remain germane to the topic and not make accusations about staff please, thank you.

Mr. Stepowany: We were separating the difference between the two definitions. That is what staff is doing.

Mr. Harvey: Mr. Chairman, may I clarify?

Mr. Howard: Please.

Mr. Harvey: From the staff's review of this plan and plans for multiple years is we have looked at anytime there is a street intersecting with another street that breaks up the continuity of the block. We have not looked at it from the perspective that it has to be on both sides of the street.

Mr. Howard: So, in your definition, it's not a four-way intersection; in this case it's a "T" intersection.

Mr. Harvey: That's the way staff has looked at it in the past. And we are looking at it in this particular case.

Mr. Howard: To your recollection, and I know it's tough to just pull it out of the air, but is there any subdivision that comes to mind where this has been applied in the past?

Mr. Harvey: There have probably been multiple ones, but we would have to look through the subdivision plans and get that information for you.

Mr. Howard: Okay. I would like to know that. Give us a few examples of when that occurred.

Mr. Harvey: But certainly, staff has had some discussions about the subdivision ordinance and the issue with block, street length and also cul-de-sac. It really needs to be adjusted in our ordinance to make it more clear as to what to do in some of these cases.

Mr. Howard: Right. What constitutes a block length and what does not.

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Mr. Harvey: And, as Ms. Kirkman said, the ordinance says something that interrupts the segment of the street and the continuity of the street. And they give some examples but it is somewhat vague, too. You could have a stream, but what is a stream? Is it a perennial stream that has a 100 foot buffer protecting it or is it an intermittent stream? Those are some of the things that probably could use some clarification in the ordinance.

Mr. Howard: Right.

Ms. Kirkman: Mr. Chair, I have some questions for Mr. Harvey. So, Mr. Harvey, our subdivision ordinance distinguishes between blocks and streets, is that correct?

Mr. Harvey: Yes.

Ms. Kirkman: And, under block, it actually speaks of continuity of development, not the continuity of streets, is that correct?

Mr. Harvey: Yes.

Ms. Kirkman: Thank you.

Mr. Howard: Any other questions for Mr. Stepowany?

Mrs. Hazard: Mr. Stepowany, can you point out on the one back, the Chesapeake Bay Resource Protection area. It says that it is not impacted but, with the ones that we had, if you could use your cursor to just show where that was just so that I know (inaudible).

Mr. Stepowany: Computer please. This dashed line is the boundaries of the RPA. So, what we mean by it's not impacted is it's not within any individual lots and the little trail and the grass field and the tot lot are not encroaching within the RPA.

Mrs. Hazard: Okay, thank you.

Mr. Stepowany: The stream is on the right side of it, so that's what we mean by the statement they're not impacted to it.

Mr. Fields: Now that I am looking at this better shot of this contour, I am noticing that lots 4, 5 and 6, of course, coming up to the trail are really abutting up to the RPA and look to be a continuity of a fairly steep slope leading to the RPA. Do you know generally what that slope is?

Mr. Stepowany: I would have to refer to the engineer on that.

Mr. Fields: I know, to some degree, that this gets to be a performance question of our erosion and sediment control, etcetera, etcetera. I would be a little concerned to hear the applicant address that in the build-out process, whether they are going to be creating minimal disturbance to create these units or whether they are going to be doing quite a bit of land disturbance to level out that portion of it. I have this big copy here and I don't have an engineer's rule, but it looks like the process of constructing that will get awfully close to the RPA and how they plan to address that.

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Mr. Stepowany: I can ask the engineer to address that for you.

Mr. Fields: Okay, thank you.

Mr. Howard: Thank you. Any other questions? We can certainly have the applicant come up and if the engineer is here, to answer some of those questions. Good evening. If you'll just state your name and what company you are working for and who your client is.

Justin Troidl: My name is Justin Troidl and I work for Bowman Consulting Group. Our client is Gary Dempsey. And I can answer any questions you have about Southgate Hills. In particular, to address the RPA issue, we are not impacting the RPA with grading for this site. If you look at lot 5, there is a slight hill that naturally occurs in that area. That will come down and, basically, when we get to the RPA, we are pretty close to natural grade. There may be a small retaining wall but it will be set back for enough such that construction equipment and E&S will not impact the RPA.

Mr. Fields: Okay. What is generally the slope there, can you tell me that?

Mr. Troidl: The existing slope is anywhere from 4 to 1 to 3 to 1. It kind of varies in that area.

Mr. Fields: Can you translate that to percentage?

Mr. Troidl: Thirty to twenty-five percent.

Mr. Fields: Some of it is greater than twenty-five percent.

Mr. Troidl: There are portions in the RPA that are greater than twenty-five percent.

Mr. Fields: In the RPA, but not in lot 4, 5 or 6?

Mr. Troidl: There will not be, no.

Mr. Fields: There *will* not be but I mean currently.

Mr. Troidl: Currently, with that hill that goes up, there is a slight twenty-five to thirty percent slope there, yes.

Mr. Howard: So, I guess the question is how much of that in lot 5 will be disturbed?

Mr. Troidl: Well, the house itself pretty much takes up all of lot 5. There obviously are the setbacks but once that's graded out it will a fairly flat decent yard to be used. And that hill that is in exactly lot 5, that will come down in order to get the road in and the utilities.

Mr. Howard: So what will be the percentage of slope after the grading in concluded on lot 5 and 6?

Mr. Troidl: Probably ten percent, fifteen max. Generally, most builders that want a usable yard want it in the fifteen to ten percent range.

Mr. Howard: Thank you.

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Mr. Fields: So, you are going to grade out all the way to the lot line there?

Mr. Troidl: Yes.

Mr. Fields: The back yard, the portion behind the building is usable?

Mr. Troidl: Yes. Because basically what we have is the open space to the north with the grass field, that obviously needs to be graded out to be usable, as well as getting a trail and getting some more usable land that is at a nice slope for kids to play, people to enjoy recreational-wise.

Mr. Fields: Okay.

Mr. Howard: Any additional questions for the engineer representing the applicant?

Ms. Kirkman: Yes Mr. Chair. The staff referred a number of questions to you saying that you could answer them as an engineer. Could you please tell me exactly what is the existing slope on lot 6 on those contour lines between 170 and 180.

Mr. Troidl: The existing slope is in the thirty to twenty-five percent range right now.

Ms. Kirkman: Could you be a little more specific?

Mr. Troidl: As in existing grades, they are in the thirty percent range.

Ms. Kirkman: Okay. And how does this plan differ from the plan that was previously denied by the Planning Commission?

Mr. Troidl: One of the things that seemed to be a big concern the last time we were here were pipe stem lots. Those were completely eliminated from the plan. What happened was, the cul-de-sac, Valiant Court, previously was on the opposite side of Port View Drive. In order to keep that away from the RPA and remove pipe stem lots, it reverted to the other side of the road. We have also added a tot lot on site, as well as a grass field. And we've made numerous cosmetic changes to the plan that were requested at the last meeting.

Ms. Kirkman: Any other changes?

Mr. Troidl: Besides going through the specific list, we addressed the comments from the Planning Commission line item by line item and we submitted a letter that basically addressed each one at submission time.

Ms. Kirkman: Staff, do we have a copy of that letter in our packet?

Mr. Stepowany: No.

Ms. Kirkman: We don't? That would be a very helpful letter to have.

Mr. Howard: Who was the letter sent to?

Mr. Troidl: I believe it was to staff. It was with the submission. It was addressed to Jamie.

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Mr. Howard: And the letter indicated that the concerns were addressed? I remember you were working with Ms. Kirkman.

Mr. Troidl: Correct. It addressed, for example, the vicinity map and we wrote a comment how that had been resolved with this plan.

Mr. Howard: Right. And I know Mrs. Carlone was a very strong advocate for the tot lot. And did she actually... the way I believe you left off, and I don't have my notes in front of me, the way Mrs. Carlone left off was she was going to meet with either you or staff and talk through some of the concerns. Did that actually occur?

Mr. Troidl: I don't remember; that was about a year ago. Did she meet with staff?

Mr. Howard: No? Okay. So, you're addressing the concerns that were...

Mr. Troidl: In the letter that we received, yes.

Mr. Howard: You received a letter from...

Mr. Troidl: Stating the denial; the comments in that denial letter were addressed in submission to this.

Mrs. Hazard: That is in the package.

Mr. Howard: The letter of denial?

Mr. Troidl: The denial letter is, correct.

Mr. Howard: But not the letter of response that you provided, from Bowman Consulting.

Ms. Kirkman: Mr. Chair, one of the concerns the Planning Commission previously had was that the plan was not in compliance with the ordinance because of the existing slopes in the open space areas. How is that addressed?

Mr. Troidl: The Code requires that usable open space not have a slope of fifteen percent or greater. We provided in our plan a grading exhibit which demonstrated how the slopes within the open space that we were counting usable met the fifteen percent requirement.

Ms. Kirkman: So they don't currently meet the fifteen percent requirement, but what you are going to do is cut off the hills and fill everything in and make it meet the requirement.

Mr. Troidl: Well, as part of the development for the road and the lots, that would be part of creating the additional open space, yes.

Ms. Kirkman: Thank you.

Mr. Howard: And is that page 3 of 25, is that right, in the large handout that we have?

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Mr. Troidl: Yes, if you look at the overall usable open space exhibit we have provided proposed grades in those areas that demonstrate that we have no greater than fifteen percent.

Mr. Howard: And the two lots that seem to be most impacted, is it accurate to say those are lots 5 and 6?

Mr. Troidl: As far as the slopes, yes, because there is actually an anomaly, a little hill, that occurs right there.

Mr. Howard: And that's a path that you are reflecting that will actually be down in the slope.

Mr. Troidl: Correct. There will probably be a slight retaining wall there a couple feet tall in order to keep that, but it will be flat and it will be underneath that fifteen percent requirement.

Mr. Howard: Okay. Any other questions for the engineer? No? Thank you. Well, Mrs. Hazard, this is in your magisterial district. Normally, when something comes before us the first time, it's unusual, although we did it for the CUP, but it's unusual that it would get approved. We would allow some time to have the questions brought forward today answered and, at the very minimum, the length of time, we have until April 15th I think on this, income tax day, and I don't think there is a lot on the agenda. We can certainly check with Mr. Harvey, but if you are so inclined to make a motion, certainly it's in your geography. Being new, normally what happens is the motion would be made to defer to a certain time to allow staff to answer some of the questions and allow the applicant also to answer questions. So, one item Ms. Kirkman brought up is the letter that Bowman Consulting provided which I think we should all get a copy and read through that and understand the response, as an example.

Mrs. Hazard: I agree with that. Were there any other concerns, because I would like to make a motion that we still keep to the time deadline but we want additional responses on the items, especially those noted by Ms. Kirkman and any of the other... I mean, I would like some because that does hit very close to that lot 6. I think we all feel we want to make sure that works. So, I guess I will be making a motion to defer... what type of timeline is the best?

Mr. Howard: I don't see why you couldn't get the answers by the next meeting.

Mrs. Hazard: By the next meeting?

Mr. Howard: Someone has to second that.

Mr. Mitchell: Second.

Mr. Howard: So, now we would go into discussion. Is there any discussion on the motion on the table?

Mr. Fields: Just to point out to Mrs. Hazard that if, in two weeks, you defer it and you are still not satisfied, we have this time limit and you can defer it again. There is no pressure when we have that time to act. Practice has been we defer it to what seems to be reasonable, but if we can't get the answers then we have to keep deferring it.

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Mr. Howard: Exactly right. There is no magic to the deferral date. There is magic to the April 15th; we are required to reply by that. Any other discussion about the motion? So, can we just get the list of questions so Mr. Stepowany has a clear path in which he wants to travel in order to get these questions by the next meeting. We would like to see a copy of the letter; if the Planning Commissioners could receive that. That was one. We also want to know the percentage of slope after the grading is completed on lots 5 and 6.

Ms. Kirkman: Mr. Chair, I would also like to know if there is any portion of the property which currently has slopes at thirty-five percent or greater.

Mr. Howard: Prior to grading?

Ms. Kirkman: Prior to grading, any portion of the property.

Mr. Howard: Okay.

Mr. Fields: It's sort of related to this; I would like to use this as an opportunity for myself to get a little more clarification on, without taking up too much of our time. But I am still a little unclear in my mind exactly where the allowable parameters are between what you can and cannot do in terms of regarding and redefining land and the use of retaining walls and stuff like that. I could use a little bit of perspective on maybe what our current Code is, and if we need to look at that because I have seen some things, particularly east of here, on some developments; I am pretty amazed that we allow those kinds of retaining walls. This would be a classic example where we may get the slope on lot 6 or 7 but I would like to know, do we have like a twenty foot retaining wall at the edge of lot 6 dropping off right into the RPA or not. And what our regs are and maybe is that something that we and the Board of Supervisors need to take a look at.

Mr. Howard: Fair enough. Mr. Stepowany, would you need help in obtaining that information? So, where would you go to look for that?

Mr. Stepowany: Either the building code section or stormwater management section dealing with retaining walls.

Mr. Howard: Okay. And two weeks is enough time to gather that?

Mr. Stepowany: Yes.

Mr. Howard: Okay. Any other comments? Hearing none, we will call for the vote on Mrs. Hazard's motion. All those in favor of delaying Southgate Hills Preliminary Subdivision Plan for two weeks signal by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

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Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Any opposed? The motion passes 7-0. We'll see you in two weeks. The next item is the Hampton Run Preliminary Subdivision Plan and I assume, Mr. Stepowany, you are also going to treat us to an explanation on this.

7. SUB2500029; Hampton Run - Preliminary Subdivision Plan - A preliminary subdivision plan for 40 single family residential lots, zoned R-1, Suburban Residential, consisting of 26.68 acres located at the south end of Brafferton Boulevard, approximately 1,500 feet south of Garrisonville Road on Assessor's Parcels 20-137, 20-144, 20-145, 20-145A, 20-145B, 20-146, 20-146A and 20F-4-A within the Garrisonville Election District. **(Time Limit: April 15, 2010)**

Mr. Stepowany: Yes. Thank you Mr. Chairman, members of the Planning Commission. Computer please. This is item number 7, Preliminary Subdivision Plan SUB2500029, Hampton Run. The applicant is Donnie Hylton of Mine Investments, LLC. The application was submitted January 21, 2005. It had a TRC of February 23, 2005. The engineer was William Flynn of The Engineering Groupe, Incorporated. This pertains to parcels Tax Map 20-137, 144, 145, 145A, 145B 146, 146A and Tax Map 20F-4-A and located at the end of Brafferton Boulevard approximately 1,500 feet south of Garrisonville Road. The size of this parcel that we refer to as the western segment is 26.68 acres and is zoned R-1, Suburban Residential. They are proposing forty lots and it is in the Garrisonville Election District. This is the location of the overall application, including these lots that are along Mine Road, and Brafferton Boulevard starts up here off Garrisonville Road...

Mr. Howard: Mr. Stepowany, is this behind Walmart?

Mr. Stepowany: Yes. Walmart is right here.

Mr. Howard: Thank you.

Mr. Stepowany: And Brafferton ends right here. And this is the aerial photograph and here you can see where the Garrisonville Road Walmart is. And Brafferton Road goes up through the two shopping centers up to Garrisonville Road. This is the preliminary plan; they do propose two segments for this. They have a proposed dividing line along the middle just basically where the RPA stream bisects the property. The forty lots are on the western portion of this property and Brafferton Boulevard enters the property right there. Again, this is the proposed two segments of the overall property and this application is for the western segment. It will be on public water and public sewer. We do note that this is subject to curb, gutter and sidewalks for all streets on both sides per recent changes in the Subdivision Ordinance. And the reason why we brought that up is because Patriot Landing are small lots but they are not curb, gutter and sidewalks; they have ditch culverts, so there would be a transition from ditch culvert streets to curb, gutter and sidewalks. Stormwater management is contained through LID on this property with twenty-one bio-filters, three natural swales and three infiltration trenches, and the RPA was field located on the property. It is on the sheet that has been submitted that the eastern segment of the property along Mine Road, the applicant does have the intention to submit a reclassification application to rezone that to B-2, but that has not been submitted as of today. But that is shown on the plan. Staff recommends approval of Hampton Run Preliminary Subdivision Plan. The

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applicant is here, along with the engineer, if you have any questions and I may have to refer to them. And I will be more than happy to answer any questions that the Planning Commission may have.

Mr. Howard: Thank you Mr. Stepowany. Are there any questions from the Planning Commission for Mr. Stepowany?

Mr. Fields: Well, at some point, Mr. Stepowany, maybe the applicant can answer that this is not using a cluster concept, right?

Mr. Stepowany: No, it's not.

Mr. Fields: And do you know a reason why they chose not to use the cluster?

Mr. Stepowany: I would have to defer to the applicant on that. They did submit an application and it was reviewed by the Parks and Rec Commission, but the last change we had was they withdrew that and came with just the forty lots.

Mr. Fields: Okay. Mr. Chairman, when the applicant comes up I would like to just hear why that is.

Mr. Howard: Okay, Mr. Fields, thank you. Any other questions for Mr. Stepowany? Ms. Kirkman?

Ms. Kirkman: So, this subdivision plan involves a number of lots, correct?

Mr. Stepowany: Correct, forty.

Ms. Kirkman: No, no, no... not the proposed lots. But currently there are a number of different parcels.

Mr. Stepowany: Correct.

Ms. Kirkman: And, the applicant owns all of those parcels?

Mr. Stepowany: Correct.

Ms. Kirkman: Now, did they pay one fee for each parcel or did they pay only one fee overall?

Mr. Stepowany: They paid one application fee.

Ms. Kirkman: So, is it the policy of the Planning Department that as long as you batch by-right subdivision plans together? So, if I brought in forty under one application, I would only pay one fee?

Mr. Stepowany: I would refer that to Mr. Harvey.

Ms. Kirkman: I don't understand why either these lots, the property lines weren't vacated and one lot was created or they didn't pay a fee for each parcel.

Mr. Stepowany: They would have to vacate it as part of the final plat.

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Ms. Kirkman: No, I understand that, but we are not at that stage yet. And what I am trying to understand is, is it the policy of the Planning Department that if you just batch together multiple subdivision plans, then you only have to pay one fee.

Mr. Harvey: Mr. Chairman and Ms. Kirkman, this is one subdivision plan. They have one proposal for one development. Our fee structure is set up to where there is a base fee and then a per lot fee, so they pay per new lot that they are proposing with the subdivision. So, there is not necessarily a fee structure set up that is based on the existing number of tracts that you have; it is based on the number of lots that you are going to be creating with your neighborhood.

Mr. Howard: So, it would be based on the forty or so proposed lots.

Mr. Harvey: Yes.

Mr. Howard: I think what Ms. Kirkman is asking is, is that the usual and customary.

Mr. Harvey: Yes. Our fee schedule is adopted by ordinance by the Board.

Ms. Kirkman: Mr. Harvey, I thought though there was a base fee and then there was an incremental fee for each lot.

Mr. Harvey: That's correct. There is a base fee based on the total acreage of the tract of land being divided. Excuse me; I am getting confused with zoning cases versus this. There is a base fee for the overall review and then there is a per lot fee.

Ms. Kirkman: So, in this instance, even though there are multiple parcels, they only have to pay one base fee.

Mr. Harvey: Correct, because it is one application that we are looking at.

Ms. Kirkman: So, the trick is to batch together your by-right subdivision plans.

Mr. Howard: Well, I don't know if it's a trick, Ms. Kirkman, but I thought we were asking the question is that the usual and customary process.

Ms. Kirkman: Sure. Thank you. We've confirmed that it is, thank you.

Mr. Howard: Any other questions for staff? Hearing none, we can have the applicant come forward, and I am assuming that is Debrarae coming forward.

Ms. Karnes: Mr. Chairman, members of the Commission and staff. My name is Debrarae Karnes. I am with the law firm of Leming and Healy. We represent the applicant. Also, joining me today is Bruce Reese of The Engineering Groupe, the engineer who will also be able to answer any questions you may have. I think this is a pretty simple application. Originally, another owner came in approximately 2005 and proposed another development scheme. At one point it was proposed as a cluster subdivision, but with more lots and more problems, including several RPA crossings. At this point, we are down to forty lots, no disturbance of the CRPA which has been delineated and the delineation has been approved by staff. We will be happy to answer any other questions but I point out

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that staff has found that it meets all requirements of the County Code and they recommend approval. I think they have done a great job and we ask for your support.

Mr. Howard: Thank you Ms. Karnes. Any questions? Mr. Fields?

Mr. Fields: Again, the question why was the cluster concept not considered this time in this iteration?

Ms. Karnes: I think there were a number of considerations but some of the complicating factors included the number of crossings that would be required to disturb the CRPA and that would include multiple applications including going before, at the time, either the BZA or the Board.

Mr. Fields: To initiate even the same number of lots in the cluster idea?

Ms. Karnes: I think they were talking an additional number of lots.

Mr. Fields: In other words, the effort involved in creating the cluster required, for their return on investment, to have actually more lots then, because they would have a greater expenditure of effort to create the cluster?

Ms. Karnes: That would be one reason.

Mr. Fields: In the presentation you said that another portion of the parcel, of the property, which of course is actually several properties so it's a little bit hard to... it is actually several tax map parcels, was contemplated being rezoned commercial. Can you show us, Jamie, maybe help Debrarae, can you show us that on the map again like on the aerial photograph where would be the commercial part and how it would be adjacent and sited adjacent to this?

Mr. Stepowany: On the aerial, you have to almost follow the stream. It is almost directly from the middle of this line to this corner here is roughly the dividing line and all the property along Mine Road right here is proposed. We will go to this lot. This is the rough proposed dividing line here, so here is the Walmart right here. So, it's all the tract behind Walmart and there is actually an access from behind Walmart into this property.

Mr. Fields: Okay. How does it... I guess the RPA provides somewhat of a buffer. I am always concerned about, repeatedly both on the Planning Commission and Board of Supervisors, it has not been an easy task when you locate commercial property tightly adjacent to residential property. I know that every one I've seen, though it has not been an unsolvable problem, there has always been issues that need to be resolved and sometimes fairly complex issues; issues of noise and light and access of the entire public suddenly to peoples' back yards and that sort of thing. I mean, I know technically I guess it's not part of this preliminary subdivision plan but I would like to at least hear that you have some vision as to how those two communities are going to interact.

Ms. Karnes: I think it's fair to say that there is a vision. The application for the adjoining portion of the parcel is now being prepared. The RPA in this case acts almost as a natural boundary, separating in effect, both sides of that parcel or those number of parcels. I would suggest, Mr. Fields, that when we do submit the commercial rezoning, that's the best time to see how it's been designed to best mitigate any negative impacts.

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Mr. Fields: Let me ask this too. Is it anticipated that the rezoning and the development of the commercial portion will be before these lots actually start being built and occupied? I guess what I'm get at is I'm wondering, again I'm just asking, is it possible that when people are purchasing these lots, will they have a clear understanding that they are purchasing lots in all likelihood adjacent to or tightly adjacent to commercial property? And I guess it's already fairly commercial there, so maybe that's a moot point. But, once again, we've seen in the Woodstream a lot of people suddenly realizing that they are adjacent to something that was not what was promised to them when they purchased it.

Ms. Karnes: Exactly.

Mr. Fields: And I am just concerned that these people, in all good faith, buy the lots and then suddenly a shopping center is behind them and they realize that's not what they wanted; but they've invested their life savings on their lot.

Ms. Karnes: I think the developer and the respective real estate agents involved are going to be anxious to fully disclose all plans for an adjoining commercial project. And, in this case, since it is the same owner and the same developer, there will be additional requirements or incentives to disclose. And so we are not going to have anything like one developer does this and doesn't tell or is alleged not to tell other folks about another developer's plans.

Mr. Fields: I'm sorry, who is the developer?

Ms. Karnes: The person's name is Donnie Hylton. He is a Dale City developer. This particular property is owned under the technical name of Mine Investments. The Hylton family developed Dale City.

Mr. Fields: Oh, they did all of Woodbridge and Dale City, and almost half of Prince William County I think.

Ms. Karnes: Yeah.

Mr. Fields: Okay. Have they developed other projects in Stafford County?

Ms. Karnes: I'm not familiar with any other developments in Stafford County. Mr. Reese, are you? No.

Mr. Fields: I'm just trying to get a sense of... that is good. At least it's anticipated. I know business reality has changed, but it's anticipated that commercial and residential are all under the same company.

Ms. Karnes: Yes. I can also share with you the fact that there are plans being discussed for connecting pathways between the residential and the commercial.

Mr. Fields: Okay. That could be an asset or not, depending on how people... But that's okay. Thanks for answering; I know that's not technically part of this but I appreciate it. This is our opportunity to make sure things are on track.

Ms. Karnes: Sure.

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Mr. Hirons: Mr. Chairman, along that same line, does the Hylton Group, do you happen to know if they have a similar residential/commercial community in Prince William County? Something that we can get some sort of idea of what types of buffers that they have between the two...

Ms. Karnes: I don't know that I can refer you to anything similar except, of course, Dale City is one of the original...

Mr. Hirons: I grew up there so I am very familiar with it; in a Hylton home.

Ms. Karnes: However, Stafford's standards are now higher than I am sure Prince William's was when Dale City was first developed and approved.

Mr. Hirons: Right, but down on the newer sections of Dale Boulevard in Dale City where the Hylton's are still developing, I know there are a lot of areas there where they have done that sort of thing or they have both commercial and residential. I am not aware of any, off the top of my head though, where there is adjoining commercial and residential that they've developed.

Ms. Karnes: I can make a point to ask the Hylton Group for examples and make sure they are here when we present the rezoning application.

Mr. Hirons: I would appreciate that. Thank you.

Mr. Howard: Any additional questions for Ms. Karnes? Ms. Kirkman.

Ms. Kirkman: As the Commissioner from George Washington noted, we have had issues in the past with residents presenting both to the Planning Commission and to the Board of Supervisors that, in fact, they were told parcels adjacent to their new residential development would be, for instance, open space which is what happened at the Hills of Aquia. And then, in fact, the plan was to do commercial development. You said your client is committed to making sure that those kinds of miscommunications do not occur. Is your client willing to do a disclosure form with the sale of properties for those that are on the side that abuts the potential commercial property that it will be developed as commercial?

Ms. Karnes: Commissioner Kirkman, I am not authorized to make that commitment for my client, although I would suspect that he would have no problems with that.

Ms. Kirkman: So, you were authorized to say he was committed but you're not authorized to make that commitment?

Ms. Karnes: To make that particular commitment in writing, yes, I am not authorized to do that. And it's more caution on my part that I do not say anything on behalf of my client that he won't agree to.

Mr. Howard: It's not a question you've asked your client.

Ms. Karnes: That's correct.

Mr. Howard: So, you're here disclosing tonight that you are coming back, revealing this evening that you want to come back and rezone that property, right?

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Ms. Karnes: My client is very anxious to make sure that both projects work together well.

Mr. Howard: So, it's fair to say that if this were deferred, you could come back with that answer.

Ms. Karnes: I could, yes.

Ms. Kirkman: That would be great, thank you.

Mr. Howard: Thank you. Ms. Karnes, my question was that portion along Mine Road, there's a commuter lot, right, at some point down that stretch.

Ms. Karnes: Yes.

Mr. Howard: And then there's a very small strip center that went in right next to the commuter lot. And right across the street where I think this is, I am trying to visualize this now, the topography there is interesting, to say the least. I even think there is a home, right? There is at least one, maybe two homes; I don't know if they are occupied, but my question is, if that were to become commercial use... I'm sure the engineers have looked at that but I'm not sure how that would be cut into the existing topography that is there.

Ms. Karnes: Right. I do not have an answer for you for that tonight, because that is part of the commercial project.

Mr. Howard: Right. And if you continue down Mine Road and the first right-hand turn you can make, I forget the name of that road but if you make a right-hand turn, there is a nursery school and there is an empty vacant lot. And that lot, and it's just my recollection, is about twelve feet above grade. So, is that part of the land that they own? Is that what we are talking about?

Ms. Karnes: I am going to ask the engineer if he can answer that.

Mr. Howard: Great, thank you.

Mr. Reese: Mr. Chairman, members of the Commission. My name is Bruce Reese. I am with the Engineering Group. If I am thinking the same as you are, that is not part of the property that the Hylton's own. If you know where the commuter lot is, there is a light there. Likely, the main entrance into the future commercial will be at that intersection. But it doesn't go down as far as...

Mr. Howard: That's right. That's about three quarters of the way down. Okay. And that grading is actually probably not as steep as the slope that's on that one corner I'm thinking of.

Mr. Reese: It's not. The grading on the Hylton's property is going to be relatively clean from the standpoint of (inaudible).

Mr. Howard: Are there two homes there?

Mr. Reese: There used to be. I think that the Hylton's have been in the process of removing those. I think there was a trailer and a house and they are trying to get those removed if they haven't already been removed.

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Mr. Howard: Okay. Thank you. Does anyone have any additional questions for Mr. Reese? Thank you very much. Thank you Ms. Karnes.

Ms. Karnes: One point of clarification. Ms. Kirkman asked, I want to make sure, she wants to know if my client will agree to written disclosure of the coming commercial application to the adjacent parcels, the adjacent lots. Okay, thank you.

Ms. Kirkman: And then I just wanted to point out, this is small and technical, but in the covenants one of the covenants classifies no accumulation of waste or trash. And that is simply not possible. People put stuff in garbage cans, so you just might want to look at the wording on that.

Ms. Karnes: Okay, great. Thank you.

Mr. Howard: Mr. Rhodes, I believe this is in the Garrisonville Magisterial District which would be your responsibility.

Mr. Rhodes: Yes, Mr. Chairman. I heard the one open question as being the commitment there, obviously assuming the rezoning is successful, etcetera, of an intent which I think would be fairly easy to do since they are openly citing their intent to develop it; they are highlighting it here. I think they are doing a great job of bringing those things up up front so that can be resolved by the 3rd of February, the next opportunity we get to meet. So I make a motion that we defer this in committee until the 3rd of February.

Mr. Fields: Second.

Mr. Howard: Second by Mr. Fields. Is there any further discussion? So, I think what I would like to do, Mr. Stepowany, is just make sure that you understand again what we're asking for on February 3rd. Would the applicant be willing to reveal to the homeowners a letter of intent... I guess an LOI is what you are asking for Ms. Kirkman? A letter of intent?

Ms. Kirkman: I think the attorney could better speak to this specific mechanism, but usually there is a note, the way I've seen it done in the past, that there will be a note on the face page of the subdivision plan about any required disclosures. And then there is a written disclosure that goes with the transfer of the property. And the attorney could speak to the specific legal mechanisms for that.

Mr. Howard: Ms. Karnes, you understand that?

Ms. Karnes: Yes.

Mr. Howard: Ms. Karnes has signaled yes, for those of you at home, because I am sure no one is watching American Idol right now. And were there any other comments or questions that we would want Mr. Stepowany to understand? I have a question that I didn't ask; is this going to be a Homeowner's Association?

Mr. Stepowany: Yes, it has to be because it does have some open space.

Mr. Howard: Right. And that was the Woodstream issue that I think Mr. Fields was referring to. I'm not sure what amenities a promise but I am sure that would be fully disclosed as well because that's their big issue, the residents that are on the north side of Route 610 going through those issues with

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pools that are not in and so on and so forth. Along with the disclosure of the commercial property, any other amenities or things of that nature, we would want to make sure the applicant was willing to disclose timing of those.

Mr. Stepowany: Okay.

Ms. Kirkman: Mr. Chair, I think if you're suggesting that the applicant disclose timing of amenities that that is typically done as a note on the plan and currently there are not any notes to that effect.

Mr. Howard: Well, we can add that at the February 3rd meeting if that's something that they are willing, in fact... if there are any, there may not be any. Some HOA's are just a group grouped together for a variety of reasons but there may not be any amenities in this particular case. Okay, hearing no other discussion on the matter, we can bring it to a vote. So, all those in favor of deferring the Hampton Run Preliminary Subdivision Plan to February 3rd, signal by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Those opposed say nay. The vote is 7-0 approving the deferral of the Hampton Run Preliminary Subdivision Plan to February 3rd. Thank you. Feel better Ms. Karnes. That brings us up to item number 8 on the New Business agenda which is the Staff Briefing on Proposed Ordinance O10-01 and Conditional Use Permit, Government Test Lane Facility at Hartwood Airport. And it looks like Mr. Hess is going to be presenting that. Right, Mr. Harvey?

Mr. Harvey: Correct.

8. Staff Briefing on Proposed Ordinance O10-01 and a Conditional Use Permit, CUP2900339 (Government Test Lane Facility at Hartwood Airport).

Ms. Kirkman: Mr. Chair, could I just get clarification on why this is on our agenda, because typically new projects are presented to us as part of a public hearing and I know this has been scheduled for a joint public hearing in February. So, if we could get clarification why this is on our agenda?

Mr. Howard: We can ask Mr. Harvey. I would hope and suspect that it's to educate us on what exactly the public hearing is about.

Mr. Harvey: That is correct, Mr. Chairman. Once the Board made their motion to set the public hearing date, I asked the Commission whether you would like to receive a briefing on it prior to the public hearing and the answer was yes.

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Mr. Howard: Thank you. Mr. Hess?

Joey Hess: Good evening. May I have the floor please? As mentioned, the proposed Government Test Lane Facility at Hartwood Airport is going for a Conditional Use Permit and it's gotten a case number assigned to it which is 2900339. The applicant is Robert Wright with Unisys. Unisys is the current contractor hired by the Department of Homeland Security. The property owner is Francis Fortin and Unisys is currently leasing the property from Francis Fortin to allow for their test lane facility operation to operate. The parcel that is affected by this facility is Tax Map Parcel 16-20. And there are two properties that are taxed in Stafford County but are, for some reason... sorry, I guess they are taxed in Stafford County even though they are properties in Fauquier County. So those are the PIN numbers right there. So there are two properties in Fauquier County that, once again, are taxed in Stafford County. And, all that said, it's an accumulation of 8.6 acres that is the limit...

Ms. Kirkman: Excuse me. Could you give a little better explanation because my understanding is Stafford County would have no authority to tax land in adjacent counties. So something is not quite right about what you said.

Mr. Hess: I guess, and I was going to get to it because there is an aerial and obviously there is a county line between Stafford and Fauquier County, and it just happens to be that some of the portions of the property that are in Fauquier County... did I say that wrong?

Mr. Zuraf: They are in Stafford and taxed in Fauquier.

Mr. Hess: I'm sorry, they are in Stafford and taxed in Fauquier. If I said that the reverse way, I apologize. So, they are in Stafford County's boundaries but they are taxed in Fauquier. So I think I misspoke.

Mr. Harvey: Yes, Mr. Chairman, if I can clarify some of that. Some background is that Stafford County and Fauquier County have an agreement between the Commissioner of Revenues for properties that straddle the county boundaries as to which properties are being taxed in Stafford versus which properties are being taxed in Fauquier. Also, from a zoning perspective, we regulate all the properties within the boundaries of Stafford County with Stafford County regulations; likewise with Fauquier. So, we are partly in this situation because all the activity that has occurred on the property to date, and Joey will get to it, has occurred on the Fauquier side of the property.

Mr. Fields: So, this has already been looked at by Fauquier County and they are planning to...

Mr. Harvey: Well, Joey will get into that.

Mr. Fields: Okay, I'm sorry.

Mr. Howard: And I know you are going to get into this as well, but I guess that purple line is that dividing line, right?

Mr. Hess: Correct. The dividing line; it does not run along the actual parcel...

Mr. Howard: Okay, we'll let you talk.

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Mr. Hess: Thank you. Sorry; I'm off to a great start here. So, the total is 8.6 acres. The request is to allow a laboratory research and testing facility in an A-1 Agricultural Zoning District. And there is a concurrent zoning text amendment that is running with this case as well, which will be coming up at your joint public hearing on February 16th. As mentioned, it's an existing use; it's already there. All the structures related to it are already on the Fauquier County side and its approximate location is west of Cropp Road approximately 6,000 feet south of Poplar Road. So the request is to expand the existing facility onto our side. And here is a little bit more of a better representation. The purple line is the Stafford/Fauquier County line and the yellow lines are the actual properties that are taxed in Stafford County that show up on the Commissioner of Revenue's tax base roll. So, as you can see, the site is fairly secluded. There are some residential properties to the east and to the south, and it is pretty much undeveloped to the north and to the west on the Fauquier County side. And I'll give you some photographs here. The first one is facing east going back towards Dophie Road which is a private road that comes off of Cropp Road that you take to get to the facility. There is an existing building right here on your right and an existing hangar. If you can see, there is a fence. There is actually a security fence; you might be able to see it on your Generalized Development Plan. Your GDP shows what areas are fenced in. It's pretty much the project area is fenced in. Here is a picture facing towards the north. You can see the existing outbound canopy in the foreground. Here is a photograph facing to the west and this part of the expansion is, again, on the Fauquier County side. You can see the fenced in area, canopy, the outbound canopy is in the foreground again, and this is proposed to be the inbound test lane facility. It is currently grass and it will be paved. Facing to the south, you have the existing outbound test lane which is to be extended 400 feet and to be expanded I believe ten to fifteen feet on either side to make it almost similar to a four-lane highway facility. Here is a picture of the Generalized Development Plan; just bear with me for a second. Over to the left side, this is the Fauquier County side and to the south is the Stafford County side. You have the existing canopy right here which is just north of the county line and then, of course, the paved area where it kind of cul-de-sacs off. An existing building is right up here. The grayed-in areas show the existing tree lines; it's a heavily wooded area. The chart over here identifies properties around it. As I mentioned before, to the east, which is here, there are some structures which are residential. There are some structures to the south which are residential. And then there are undeveloped properties mixed in with those residential properties. This now orientates you back; looking to the top, this is your north and this is your south, as you can see the north arrow right there. This is the proposed site conditions, you have the existing canopy, existing building and hangar, and the paved area of the outbound test lane facility. The proposal is to again expand the existing test lane facility. On the Stafford County side, they will be extending the outbound test lane to the south, like I said, approximately 400 feet. They will also construct a gantry on the northbound facility. The gantry would be approximately eighteen feet in height. It would have license plate readers to detect cars leaving the country or getting ready to leave the country as they approach the canopies. On the Fauquier County side, they would be relocating the outbound canopy which is, as I mentioned before, in the center of the outbound test lane and move it to the northern end of that outbound test lane facility. And they would also be constructing a new inbound test lane with the inbound canopy. And there is the GDP. Starting at the top, here is the outbound canopy moved from middle to top. The grayed area is going to be new pavement right here. Here is the inbound canopy and so that would make up the test lane. And then the expansion of the outbound test lane facility to the south. And, as mentioned, Fauquier County is currently going through the same process as we are. So, right now they are doing the exact same thing as far as a zoning ordinance text amendment and the County has sponsored that as I have been working with personnel from Stafford County. And they are going through a special exception for the use which would be to allow this use specifically where it is being proposed, which is essentially the same as what we are doing with our Conditional Use Permit, because a special exception would allow them to place conditions on this facility as it is being proposed. Their Planning Commission public hearing is

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scheduled for just about a week from now on January 28th and then they have a public hearing set for February 28th. And, with that, I will answer any questions you have.

Mr. Howard: Thank you Mr. Hess. Does anyone from the Planning Commission have any questions of staff? Mr. Fields.

Mr. Fields: So this is... of course, we are just looking at the overviews, we are not looking at the text; we don't have the text of the CUP in front of us yet. Has that been developed, the actual conditions, etcetera?

Mr. Hess: No, the conditions have not been developed yet.

Mr. Fields: Okay. I am assuming this is fairly standard with this type of thing, but I guess my concern... since all of this is being done, not that this is a negative thing in and of itself but in all these types of things, this is being done by someone who is currently under contract to the Department of Homeland Security.

Mr. Hess: That is correct.

Mr. Fields: So, we could do all of this and then what happens if they lose the contract? What provisions are there... I guess in any types of these things you would hope there would be some provisions for how they walk away from it. Do they sell their investment of structures to another company doing the same thing or does another company build another facility? So what happens if they have to leave their use of the property? Has there been any discussion like that that you know of?

Mr. Harvey: Yes Mr. Chairman and Mr. Fields. We have had some brief internal discussions about maybe putting a time limit on once the facility has ceased use, that the permit would expire; things of that nature. So, there is some guarantee...

Mr. Fields: Would that require some dismantling of the structures or just abandonment? Obviously, you are trying to avoid simply the abandonment of structures, just like we do with cell towers, etcetera, etcetera.

Mr. Harvey: Yes, that is something that we certainly will consider in the conditions. That's part of the reason why I wanted to have this presentation to the Commission so maybe we could talk about potential conditions for the staff report.

Mr. Fields: Obviously, I guess the idea with the CUP... my only other concern is just a note of caution as we craft this ordinance that enables this. Obviously, I think everybody would think of the Crucible incident as a question of where we want to be extraordinarily careful about opening any kind of a can of worms about types of uses in A-1 that are generally very distinctive or different than the typical agricultural or low density residential use. I would hope that this language that enables this use by a CUP is crafted awfully, awfully tight so a repeat of something like the Crucible doesn't occur... not that something like the Crucible couldn't exist but obviously it needs to exist where there is a broad consensus among the community that it's okay. Those are the only things that I'm kind of concerned about, not that they are problems, just things that I think need to be addressed.

Mr. Howard: Thank you Mr. Fields. Mr. Harvey, or Mr. Hess, will the activity actually be disclosed as well, to Mr. Fields' point? Will the neighbors that come to the public hearing understand exactly

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what the Conditional Use Permit is allowing in terms of the use, because you might want to have noise abatement or other types of things in the Conditional Use Permit if it's generally known what some of the activity would be.

Mr. Hess: They have disclosed to us very up front that this would be a purely IT operation, that they are there to run the cars against the equipment that they are proposing to put on the property. I forgot to mention that they are going to be having a meeting on January 26 from 2 to 6 p.m., which I believe is a Tuesday, for the abutting property owners and anyone else that wants to go...

Mr. Howard: And fully explain to them the activity.

Mr. Hess: And fully explain... I think they are going to have display boards because there is such a wide gap I can't imagine they are going to give just one presentation at two o'clock. But they are going to be there at the Hartwood Airport site to...

Mr. Howard: How is that being advertised, the meeting?

Mr. Hess: I'm not quite sure. I think it's just letters being sent out to the adjacent property owners.

Mr. Howard: And I understand that the Supervisor from Hartwood will be there as well.

Mr. Hess: Right, correct. Mr. Snellings said he would be there.

Mrs. Hazard: I'm planning on going as well. My understanding was that the letters had been sent to the property owners inviting them during that whole period because for some people, two o'clock in the afternoon isn't particularly... but they were going to stay there till six or when the last person left.

Mr. Hess: Right.

Mr. Howard: Okay. Ms. Kirkman?

Ms. Kirkman: So, what exactly is the nature of the text amendment? Because it has to go to advertisement soon so you must have some idea of what it contains.

Mr. Hess: Right. The use essentially is already listed I believe under the M-1 and M-2 Zoning Districts. It's a by-right use and it is basically spelled out as laboratory, research and testing. And what the text amendment would be would be to insert that use under a Conditional Use Permit process under the A-1 Agricultural Zoning District.

Ms. Kirkman: So, this would open up, if this text amendment passes as the way you described it, it would open up anywhere in the A-1 properties laboratory or testing uses by Conditional Use Permit.

Mr. Hess: That is correct.

Ms. Kirkman: And how do we define laboratory testing?

Mr. Hess: I don't think we actually have a definition per se in the ordinance under that use.

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Mr. Harvey: That is correct. There is no specific definition for that use right now in the Zoning Ordinance.

Ms. Kirkman: Does that include biotech testing?

Mr. Harvey: It could, yes.

Ms. Kirkman: Thank you.

Mr. Howard: Yes, Mr. Fields.

Mr. Fields: I guess we are just sort of in discussion and this could be a dangerous thing with me being asked to offer my opinion. Well, Ms. Kirkman is raising an interesting point. I understand the need for this and I understand the validity of it. My problem, because of my performance schedule, I won't be there on the 16th so I guess I am taking some of my opportunity to articulate some of my concerns now. As we apply that broadly to the A-1, I might ask if there might be some way, if not before this, if there is a time constraint that requires this to have to move through, that we go back and we, possibly through a process in the Comp Plan, define what might be the most applicable areas of A-1 versus other areas of A-1. Though, in theory, the CUP protects you from it being in an inappropriate place, I think we all know that once certain projects get underway and gain momentum, the CUP process is not a perfect check and balance against the complete undesirability of it. Sometimes, as in this case, there is obviously an investment and a process underway that makes our ability, let's say, to deny this CUP highly problematic for the operation of this facility. So, I am not saying that we are being pressured in any way; it's just the way it's working out. But though we need to go through the CUP process, it would obviously be fairly difficult for us to really justify denying a CUP to a facility that is already under operation. So, since there are scenarios like that where things have an inevitability and have a momentum going into them, I would suggest that we find a way of being a little more selective in how this is applied to A-1 because there is a lot of A-1 property that even with a CUP you would hate to see become, and Ms. Kirkman points out a very good point, I mean, if we're talking about biological research and testing, we're talking about whole different layers of issues. This is fairly benign in that it is a fairly, just a basic security exercise, I guess equipment testing facility and probably a less impact in many ways than an airport was, which was a heavy skydiver airport as I recall. I had a lot of friends that skydove... skydived? So anyway, I think we need to, I am a little reluctant to say, CUP any A-1 property because that is seventy percent of the County.

Mr. Howard: But I think Ms. Kirkman's point is valid because if there is a definition in the Zoning Ordinance for laboratory/laboratory testing that could allow you anything this is not defined, it could certainly allow you to go through the CUP and then obviously you could deny it if the use wasn't compatible or we had a legitimate concern and/or reason to do that. So, I think that is certainly worthy of thinking about and maybe doing some homework, Mr. Harvey. Don't spend a lot of time on this but if there are other counties out there that have that defined, we might want to take a look at that just to understand it. I don't think it is going to have any impact or bearing on what's going on here, but I think for the future it might be something we want to explore.

Mr. Harvey: Certainly. Staff can pull together some examples for other jurisdictions that have similar definitions and/or look at the illustrated book of zoning definitions. That's usually the first place.

Mr. Howard: That's a good place to look. Is there a definition of laboratory testing facility and, if so, would that apply in our zoning ordinance if we have that defined.

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Mrs. Hazard: Mr. Chairman, it seems that we loosely are comfortable with what they are doing. If we can tailor this to this particular incident with something that the applicant has made very clear; no weapons will be tested. They've really gone through and told us this is going to be vehicles driving up and down a refurbished, in some sense, runway checking tags. Perhaps there is a way to take, maybe the word laboratory gives me some I even admit heartburn, to make it an information technology... something that maybe tailors. I know, Mr. Harvey, that you are going to look at the definitions. It seems that maybe we can craft this even closer so that when we see another one like this that broadens us a little further, if we decide to take that leap we can do it then. I, too, would like us to narrow this language in some sense but I am very supportive of what they are doing. And it appears, from preliminary discussions that I've had with people, that the residents seem very supportive from preliminary. But we will find out next week.

Mr. Howard: We will see what happens at the public hearing.

Ms. Kirkman: So, it looked like this was an expansion of an existing use. Are they already out operating on the property, this company?

Mr. Hess: I do not believe so. I think, right now, they are just waiting to get the outbound facility changed, move the canopy, and then add the gantry and then the inbound doesn't even exist. So, as of today, I don't think so. That was not a question that was asked. I mean, that's not something that I'm aware of.

Ms. Kirkman: And the sole purpose is to test license plate reading technology?

Mr. Hess: Yes, that's part of it.

Ms. Kirkman: What else is there?

Mr. Hess: They have these I guess you would say monitors. When you drive up to the canopy they have these monitors that are there to detect things like weapons.

Ms. Kirkman: Video monitors?

Mr. Hess: Not video. I guess it's...

Mr. Howard: It's probably imaging.

Mr. Hess: Yes. It's like imaging; like radio portal monitors is what has been told. I guess it has... I can't really explain the technology, from what they explained I guess it has some way of detecting like guns or weapons of some sort. That will probably be something that Unisys will thoroughly explain when they are here at the public hearing on the 16th.

Ms. Kirkman: See, I think that's too late given that you all have said that this needs to be pushed through very quickly and that is why we are having the joint public hearing. I agree with the Commissioner from Hartwood that this text amendment should not be so broadly structured that since it is being done solely for the purpose of this project that the text amendment and the CUP needs to be very, very narrowly defined. And in order to narrowly and appropriately define it, we need it before the 16th.

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Mr. Howard: Any other comments or questions? Great. Thank you. So, if it's possible by the 3rd, just to understand some of the definitions that exist, that would probably be helpful. I think that's what everyone really would desire to see. Just so, again, we have a level of comfort of what we could do if, in fact, we think that in the zoning ordinance we want to define laboratory or testing facility and so on and so forth.

Ms. Kirkman: Mr. Chair, I'm actually suggesting something different. What I'm suggesting is that the CUP should be for a different use other than laboratory and laboratory testing. What I'm suggesting is that the CUP should be for a use and, again, without having a complete description of the proposed activities, but it would be something like a CUP for testing of surveillance and security equipment; something that very narrowly defines the use rather than saying lab or laboratory testing.

Mr. Howard: I understand that. I certainly do appreciate that and I think it's a thoughtful suggestion, Ms. Kirkman. Without exactly knowing the scope of what the intent of this company is, and I think we know of some of what is going to take place in that facility. I'm not sure that we know the entire scope of their grant or the expectations working through Homeland Security. Typically, my experience has been it evolves and there is an evolution in terms of what you test and what the technology reveals and what you have to do. I don't know enough to even comment, but I am sure there is the ability to do that in this particular case. But I think your comment is valid but I am just not sure we can do that. I'm not even sure we are looking for a suggestion from the Planning Commission today. I think what we've been asked... we asked Mr. Harvey to come forward and explain this so we wouldn't be at a complete loss when the hearing occurred. And I think they've done a very good job of doing that. To make other recommendations and suggestions, I think we can wait for the public hearing.

Ms. Kirkman: Well, Mr. Chair, my concern is this. They have to advertise the language for the text amendment prior to us meeting again. We're talking about, first off, a property for which the County does not get any tax revenues, is only going to bring in according to the report about eighteen employees, so there is minimal economic benefit to the County. And yet, in exchange for that minimal benefit for that economic County, we're talking about opening up more than half of the County to use laboratory and laboratory testing by a CUP. And I am very concerned about the implications for that which is why I would suggest the Planning Commission, although they can't give the exact language tonight, should be clearly recommending to staff that the text amendment be specifically tailored to the IT and technology uses of this proposed project, not the broad language that has been already suggested.

Mr. Howard: And I appreciate that suggestion. Any other comments?

Mr. Fields: Just to amplify, I agree 100 percent with Ms. Kirkman. If that CUP is still just laboratory and laboratory testing, I think we've not done what we are supposed to do which is recommend to the Board on the long term future of the County.

Mr. Howard: Which I think we can do at the public hearing. I'm not sure tonight was the...

Ms. Kirkman: Mr. Chair, here's why we can't do it at the public hearing. At the public hearing we will be asked to...

Mr. Howard: I understand because...

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Ms. Kirkman: Excuse me, Mr. Chair, I did have the floor.

Mr. Howard: Well, I didn't give you the floor, but if you would like the floor, Ms. Kirkman, I will give you two minutes to conclude your comments. Thank you.

Ms. Kirkman: Good. It's good to know you are now placing time limits on these things. At the public hearing, we will not be able to change the language of the text amendment. We will only be able to recommend approval or denial of that which is why it is too late to wait until the public hearing. And, with that in mind, I'm going to make a motion that the Planning Commission recommend to staff and the Board that the CUP text amendment be structured to the specific use for this project.

Mr. Fields: Second.

Mr. Howard: Okay, we have a motion on the table that has been seconded by Mr. Fields. We can go into discussion now. Any discussion on the matter? Ms. Kirkman, you have the first right of discussion typically when a motion is made by the person who made the motion.

Ms. Kirkman: Yes, just to repeat, my concern is not the specific project but that it opens up the entire agricultural areas of the County to the CUP use. And it's just too broadly defined under the rubric of laboratory and laboratory testing.

Mr. Howard: Thank you. Mr. Fields?

Mr. Fields: Yeah, I would just amplify. I think, particularly in concerns of the County, the George Washington District, along with Hartwood and some of the others, have significant parts of A-1. Some of it would be really inappropriate and, just like in this case, if we are not pro-active ahead of this at the public hearing the language is the language. And I think that is an important point. We can either approve or deny, we cannot modify the language. So, it would be very helpful... I don't want to restrict Unisys' operation of this or restrict the mission of Homeland Security, but we don't, as Ms. Kirkman pointed out, the actual revenue to the County is minimal. So, our support of this is essentially out of being a team player and patriotic and supporting the mission of Homeland Security, which I am all for, but we don't want to do so at the expense of the citizens of Stafford.

Mr. Howard: Thank you. Any other comments from... Mrs. Hazard?

Mrs. Hazard: I understand those concerns and I think that we do need to look at those very carefully. But I think that we are too broad if we say there may not be another long term benefit. If we have something like this and the neighbors are happy and this becomes Homeland Security, becomes a great boon for Unisys, I would certainly like for them to continue those operations if we have happy neighbors. And maybe there will be a long term benefit to our County.

Mr. Howard: Thank you. Mr. Harvey, you indicated you would like to comment.

Mr. Harvey: Thank you Mr. Chairman. Just to clarify for the Commission, at the last meeting, I provided the Commission with a copy of the Board of Supervisors report and that included the draft ordinance, as well as the Resolutions that referred these to the Commission. I think, based on that, the Commission would be bound to go with the ordinance that was referred to you. In short term, I think a lot of the issues that Ms. Kirkman and Mr. Fields have been talking about can be addressed in the

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conditions of this use permit, but there would be necessary a separate process to try to better define research and testing.

Mr. Howard: Thank you Mr. Harvey. And any other comments from any of the Commissioners? Okay. I will have mine and then we can have our vote. I'm in agreement with Mr. Harvey. I recall that we did ask that we get a briefing on this and I think Ms. Kirkman brings up a very valid point in terms of defining testing sites and/or laboratories. And we can do so through the zoning ordinance and probably should do that defined. I'm not sure that applies to this particular applicant because I do think that we can get more specific, as we always do, after a public hearing or during the hearing or right after, by adding language and getting a little bit more specific and refined, as long as it doesn't completely change the reason that we had the public meeting. And it's been the experience that we've been able to do that. So, I'm not sure that we wouldn't have that same opportunity to do that. We could always defer to Mrs. Roberts to confirm that. Mrs. Roberts?

Mrs. Roberts: Yes, certainly any appropriate changes to the ordinance, in light of the public comment or comments from Board members and Planning Commission members, can be made provided it doesn't substantively change what the ordinance does.

Mr. Howard: Right. Thank you. So, I'm not going to support the motion though I really understand why Ms. Kirkman brought it up and why Mr. Fields also feels passionate, because it is a good discussion to have. And I think in long term thinking we do need to have some definition as it relates to testing laboratories or testing sites or facilities within the zoning ordinance. And I think that will help us... it will be great to lure those types of businesses, quite frankly, to Stafford County.

Mr. Rhodes: Mr. Chairman, just a point of clarification. Are we indeed bound by the draft resolution of the Board and then therefore, do we even have the right as the motion, if it were successful, to state to change the draft ordinance?

Mr. Howard: I think, and we can defer to Mrs. Roberts again as the Parliamentarian, but my belief would be whether we say yea or nay to this motion, it's not going to have any bearing on what the Board of Supervisors is going to do with the CUP in terms of how it's advertised.

Mrs. Roberts: Correct. The public hearing will be held on what they sent down, the ordinance they sent down.

Mr. Howard: Which is why I won't support it because I don't think we are at a point where we can influence this the way in which Ms. Kirkman has envisioned it to be influenced. But I do think they are very valid comments and we should absolutely look to define those types of sites through the Zoning Ordinance and then the exceptions, obviously, would go through the CUP process.

Mr. Mitchell: Mr. Chairman, I will not be supporting it due to the fact that no matter what we present here, voting it up or voting it down, once it goes back to the Board, what they sent us is what's going to be voted on. Thank you sir.

Mr. Howard: Thank you.

Ms. Kirkman: Mr. Chair, presumably the Board would give some weight to what the Planning Commission has to say. They are meeting again prior to the public hearing and presumably they would listen to a, at least give consideration to a recommendation by the Planning Commission.

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Again, I want to reiterate my concern that this is not about this specific project or about the CUP. It is about the text amendment which will open up a large part of the County to laboratory and laboratory testing by virtue of a CUP. And has been proven over and over again through various lawsuits, it is very, very difficult to deny a CUP; so that essentially we are talking about opening up all the agricultural areas into the County to a use that, up to this point, has been seen to be appropriate for industrial areas. And that is my concern.

Mr. Howard: Thank you.

Mr. Rhodes: Mr. Chairman, I would wonder if Ms. Kirkman might modify the motion to communicate to the Board of Supervisors these concerns that have been expressed tonight versus asking staff to change language on an advertisement that can't be changed. On the advertisement, possibly a motion to have a formal communication to the Board of Supervisors in advance of their next meeting which articulates some of these concerns so they, probably by the dates, would already have the advertisement out, I think, and nevertheless it would put in advance their consideration of these concerns.

Ms. Kirkman: Mr. Chair, I will accept that friendly amendment. And I will note that there is a little more time here since the Fauquier Board is not even meeting until the end of February. So there is a little more time than has been presented to us.

Mr. Fields: I agree with the amendment.

Mr. Howard: So the seconder agrees with the amendment. So, what is the motion then? Let's just repeat the motion.

Ms. Kirkman: That the Planning Commission communicate to the Board it's concerns about opening up this broadly defined lab and lab testing use to the agricultural areas.

Mr. Howard: Okay, Mr. Fields has seconded that and agreed to the second. Stacie, do you have that recorded correctly?

Mrs. Stinnette: Yes.

Mr. Howard: Okay.

Ms. Kirkman: I guess I would add that the alternative would be to structure the ordinance so that it is specifically tailored to the proposed use of this project. We don't just want to tell them what not to do; we would like to give them a suggestion of what to do.

Mr. Howard: Right, which is why...

Mr. Fields: It is a suggestion; that's what the modification is. We're communicating our concerns to the Board of Supervisors.

Mr. Howard: Right.

Mr. Mitchell: What I understand from the second motion is that Mr. Harvey would present a letter to the Board expressing concerns about the A-1 district, is that what I'm looking at?

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Mr. Howard: Expressing that it could be an unintended consequence by allowing the terms “laboratory” and “research and testing”, that those would be by-right uses in the A-1...

Mr. Fields: CUP use.

Mr. Howard: I’m sorry; CUP uses in the A-1, Agricultural Zoning District, by means of a CUP.

Mr. Mitchell: And that would go through Mr. Harvey to our Board of Supervisors.

Mr. Howard: Yes.

Mr. Mitchell: Okay, thank you sir.

Mr. Howard: Which Mr. Harvey can do without the motion, but that’s another discussion I suppose. We’ll go to a vote but I am still going to have the same vote. So, all those in favor say aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: All those opposed say nay. Nay.

Mr. Mitchell: Nay.

Mr. Howard: So it sounds like it’s a 5 to 2 in favor of... is that right? Mr. Hirons?

Mr. Hirons: I voted in favor.

Mr. Howard: In favor, okay.

Ms. Kirkman: So, just to clarify, could we get a roll call vote on that please?

Mr. Mitchell: I would be happy to. Mr. Rhodes?

Mr. Rhodes: Aye.

Mr. Mitchell: Mrs. Hazard.

Mrs. Hazard: Aye.

Mr. Mitchell: Mr. Mitchell votes no.

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Mr. Howard: Mr. Howard voted no.

Mr. Mitchell: Mr. Fields?

Mr. Fields: Aye.

Mr. Mitchell: Ms. Kirkman?

Ms. Kirkman: Aye.

Mr. Mitchell: Mr. Hirons.

Mr. Hirons: Aye.

Mr. Mitchell: Mr. Chairman, that is 5 to 2 in the affirmative yes to approve.

Mr. Howard: Thank you.

Mr. Mitchell: Thank you sir.

Mr. Howard: Okay, that brings us back...

Mr. Fields: Did we have public presentations at 7:30?

Mr. Howard: We were supposed to, right. I forgot about that.

Mr. Fields: I forgot about it too.

Mr. Howard: We are adjusting to a new schedule; I apologize. We will now have public presentations from the public. Anyone wishing to address the Planning Commission on any subject, since there is no public hearing scheduled this evening, may do so now by stepping up to the podium, introducing yourself and then you have three minutes to comment. And we do not respond to the comments after you comment, but we will try to get you some answers if there are questions that you bring to our attention. So, anyone from the public wishing to comment, please come forward.

PUBLIC PRESENTATIONS

Mr. Combest: My name is Otho Combest. I am here to talk about the Comp Plan, specifically about the RDA portion of the Comp Plan. Our area was left out of that. I think it was an oversight. I talked to Mr. Mitchell and I questioned why it was left out and there really wasn't any good reason why it was left out, other than a political portion. So, I'm asking that our area close to Accokeek Creek and Old Potomac Church Road and Jumping Branch be included into the RDA section. Thank you.

Mr. Howard: Thank you.

Mr. Waldowski: My name is Paul Waldowski. I am here to talk about the Master Plan. And most of you have been very cordial in answering my emails and giving me good advice, and I really appreciate it. One of the things that I think is missing in the Master Plan, I haven't read it totally, but let me give you my experience with commuter parking after the snowstorm. I talked yesterday just briefly on it

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and you still can't park in those spots. I asked Mr. Jonas Beales to go take a picture and maybe write an article, and then you will all see that horizontal parking garages that we brought up twenty years ago, just like health care was brought up twenty years ago and defeated, and look what happened in one night. You know, it might get defeated again because it is 59 to 41. So, we have a new way to get 59 besides golf. I also want to educate the public that some people I talk to don't realize that the Board of Supervisors are elected, I like to call them the Knights of the Round Table so I'm not in favor of King Arthur being over the Knights of the Round Table, and that would mean that the Planning Commission, who are selected, not elected, would also be. Now, what I really want to focus on is stormwater management because I am the proud owner of BMPRP64, and it's this pond right down here. And there's a Wawa up there and I wonder where its water goes and I wonder where Meadows Farms goes. And why are 107 townhouses paying for this storm pond when Shenandoah had 33 houses, Woodson Ridge has 167 house that when my oldest son was a little boy, him and I used to walk over there and see all this land that was being developed with things that we now use called LID's. And now I hear this thing about these forty new houses and these HOA's. So, if you ever want to contact me, I have a very neat email address; it's called yhavehoas@gmail.com. Now, I'm not here to influence you, I just want to make sure that we are planning so that the storm pond I am going to bring you next time in the Gables at Augustine, twenty-five of us are taking care of that pond. And I don't want to see the same mistakes and I don't want to wait twenty years for me to wake up and find out that when I gave my speeches about sidewalks and streetlights, and I should have been talking about stormwater management... just like we talk about healthcare. And I will see you all in a couple weeks. Take care.

Mr. Howard: Thank you Mr. Waldowski. I apologize to both of those from the public who waited; we should have allowed you to speak at 7:30.

Ms. Kirkman: Mr. Chair, can I ask the Planning Director a question?

Mr. Howard: Yes you may Ms. Kirkman.

Ms. Kirkman: Mr. Harvey, do we still allow off-site stormwater management facilities, because I know we had a constituent issue a couple of years ago in the Griffis-Widewater District with the residential areas back behind Home Depot; that commercial development where there was a shared stormwater pond but only the HOA was responsible for the maintenance. Do we still allow that sort of arrangement?

Mr. Harvey: For the most part, they have to address stormwater on site. There may be situations where, like Southgate Hills, you have this neighborhood being built in conjunction with another neighborhood and there is a pond on the original Southgate that this property directly drains to or could drain to, and that could be used to capture some of their stormwater. So, in some cases yes. I guess I would have to refer to Rishi and his staff for some more discussion on that. From a zoning perspective, there has been a zoning determination that you can't, for instance, have a commercial zoned piece of property and use a residential zoned property for your stormwater management.

Ms. Kirkman: But another residential could use...

Mr. Harvey: Another residential could use a residential and commercial.

Ms. Kirkman: Okay. So the answer is yes, our Stormwater Management Ordinance still allows for the use of off-site management facilities.

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Mr. Harvey: I would have to refer to Rishi for all the specifics but, from a zoning perspective, there are limitations.

Mr. Baral: For the Stormwater Management Plan, the study is done at a point of study downstream from the project. For quantity purposes, off-site stormwater management is okay, but quality needs to be treated on-site.

Ms. Kirkman: But not quantity?

Mr. Baral: Quantity is not required to be treated on-site.

Ms. Kirkman: Okay, and is that a quirk of our stormwater management code or is that something that we are obligated by State Statute on that?

Mr. Baral: That is according to our Stormwater Management Ordinance.

Ms. Kirkman: So that could be changed by the Board of Supervisors if they chose to change it?

Mr. Baral: That could be.

Ms. Kirkman: But it could not be changed by the Planning Commission because we don't have purview over that ordinance, is that correct?

Mr. Harvey: Correct.

Ms. Kirkman: Okay, thank you.

Mr. Fields: For clarification, just last year Woodstream was handling stormwater from Foxwood Village.

Ms. Kirkman: (Inaudible). And I will just add my own editorial comment. It's always problematic when one HOA ends up having to maintain facilities for multiple properties.

Mr. Howard: Absolutely. You don't want to be downstream. We're going to get into now the unfinished business that we agreed to change the agenda and the Resource Protection Overlay District, which I think Mr. Harvey, you might have an update from the Board of Supervisors meeting on that particular topic.

UNFINISHED BUSINESS

1. Reservoir Protection Overlay District (**Time Limit: January 29, 2010**)

Mr. Harvey: Yes Mr. Chairman. The Board of Supervisors, in discussion yesterday, had asked that direction be given to the Planning Commission that the Commission focus its attention on the Comprehensive Plan and make that your number one priority. They asked that the Reservoir Protection Overlay District not be forwarded until after the Comprehensive Plan was complete. We are prepared to continue the discussion if the Commission so desires on the remaining things that staff had solved based on our last discussions.

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Mr. Howard: I think we should continue that discussion and, at the very least, we can, perhaps someone can make a motion to table this and this way it stays on the agenda until such time as we get through the Comp Plan.

Mr. Fields: Mr. Chairman, I really have to ask. Does the Board of Supervisors... I had a discussion with Mr. Crisp today who was kind of informing me of all this and I don't think they were aware of how close we were to having this finished. I mean, we have been working on this a long time and then recrafting this after the public hearing I think it would be a grave disservice to this County and the citizens involved in all of this to put this on the table for months until the Comp Plan is done. Is the Board of Supervisors laying down the law on that, or are they just requesting that? And what is our range of options in response to that? I guess I am asking staff.

Mr. Howard: Yes. Mr. Harvey, you were at the meeting so I will have to defer to you and your interpretation obviously.

Mr. Harvey: Yes. Part of the discussion came up in the context of a request for additional funding for advertisement and for this application that funding request was not granted. They did grant the other request as far as continuing through the remainder of the year. And that lead to some of the discussions about this ordinance and the timing with the Comprehensive Plan.

Ms. Kirkman: So, Mr. Harvey, just to clarify, the Board indefinitely postponed any action on the Reservoir Overlay and denied the request for advertising for the Reservoir Overlay.

Mr. Harvey: They didn't grant the request for the money...

Ms. Kirkman: So that's a denial.

Mr. Harvey: They had requested that the Planning Commission focus their attention on the Comprehensive Plan and take this up after the plan is done.

Ms. Kirkman: But, if you could just clarify, what is the point of taking it up if they won't approve the advertising for it?

Mr. Howard: I think, again having not been at the meeting, it was my understanding that we don't have the funding; we spent the money on other things for the fiscal year, so we don't have it. We are required to go to the Board and ask for additional funding. It is my understanding they granted the funding that we are in the deficit for which is \$3,000 and change, and then gave us an additional \$3,000 or so based on the projection that be had come up with at the last meeting asking us to table anything we are working on at the moment and focus getting the Comp Plan done and then bring the Reservoir Protection Overlay District back to the Planning Commission to be finished. And it will have to be re-advertised because there are some substantial changes that we've made. And, my understanding, the thought is we estimated that to be about \$13,000, is that correct?

Mr. Harvey: Correct. That is probably on the high side. That was assuming advertisement in the regular paper.

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Mr. Howard: Right. So I think we are in a different fiscal environment at this time and that that is not money that they are willing to allow us to spend right now, recognizing that the Comp Plan is as important as the Reservoir Protection Overlay.

Mr. Fields: Mr. Chairman, I would have to ask if the ordinance that is allowing the laboratory testing in A-1, is that also a text amendment that requires the same extent of advertising, is it not?

Mr. Howard: My understanding would be that, because of the Resource Protection Overlay District and the different types of maps, that is really what lead to the larger expense, but I could be wrong.

Mr. Fields: Okay.

Mr. Howard: I will defer to Mr. Harvey. Do you have some understanding of what would be the difference between advertising both... because we also have planned public hearings at a significantly less price than this. We planned an additional ten with that \$3,000.

Mr. Harvey: Mr. Chairman, for minor text amendments, the cost is fairly low, but in the context of creating a new zoning district and overlaying that onto the existing parcels in the County, that requires notice to the affected owners which is a substantial portion of that cost, because we have to send out first class mail letters to all the affected owners. In addition, as you mentioned, publishing a colored map in the paper plus a detailed summary can get into a fairly large advertisement and cost too.

Mr. Fields: Understood.

Ms. Kirkman: Mr. Chair, I have a question for the attorney. What is the need for re-advertising every single change that has been proposed to the Reservoir Overlay? It weakens it and makes it less restrictive so, given that all of the proposed changes make it less restrictive, what is the need for re-advertising?

Mrs. Roberts: I would not be able to answer that until I compared the two ordinances to see what exactly the changes that were made. And also, I don't know when the timing was; when was the last public hearing.

Ms. Kirkman: But, at this point, I mean in terms of the process, they referred something to us, we have not acted on it, we have requested an extension; aren't we now up against the ninety days? They have not withdrawn the ordinance.

Mrs. Roberts: But they are telling you not to proceed.

Ms. Kirkman: So they *have* withdrawn the ordinance.

Mrs. Roberts: Well, I would certainly say that they can't hold you to the ninety days if they are telling you not to proceed.

Ms. Kirkman: So they have withdrawn the ordinance at this point? What's the technical...

Mrs. Roberts: I wasn't at the meeting. I don't know what happened. But I think it is ridiculous to talk about the ninety days when they are asking you to hold it.

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Ms. Kirkman: I'm just trying to clarify what the intent of the Board is.

Mrs. Roberts: I don't know...

Mr. Howard: I don't think we can answer that, Ms. Kirkman. I think that you certainly can speak with your Board representative and see if he understands what the intent was; he was there. I think Mr. Harvey is just relaying, kind of communicating what the request is. And we do serve at the will of the Board so we certainly want to make sure... my understanding is it's really the \$13,000 that they don't want to spend at this moment in time. And they would like to see us finish the Comp Plan, which I think is a reasonable request. And I think that's fair.

Mr. Mitchell: Mr. Chairman, I would like to make a motion to defer proposed Ordinance O09-39 Reservoir Protection Overlay District.

Mr. Howard: Deferred until... do you want to table it?

Mr. Mitchell: I would rather table it at this point.

Mr. Howard: Okay. Is there a second?

Mr. Hirons: I'd second that.

Mr. Howard: Okay. Any discussion? Mr. Rhodes.

Mr. Rhodes: Mr. Chairman, I think we are going to make a targeted effort on the Comprehensive Plan, or at least I am certainly hopeful we will. We are supposed to be referring back some report on it associated with tonight's session that will go in some form and we may ask for more opportunity. I don't know where we will head with it. But, with that said, I would like to suggest a friendly amendment that we actually put a date on it. We can always at that date choose to defer it a little further.

Mr. Howard: And I appreciate that Mr. Rhodes. When the Director's Report comes up, you will find out that I did request from the Board of Supervisors an extension on the Comprehensive Plan. So we no longer are going to be forced to get information back by the 20th. They actually seemed to be pretty generous with the amount of time and Mr. Harvey can cover that, but I just wanted you to know that there's a real serious amount of energy from the Board of Supervisors, and I think it was unanimous by the way if I'm not mistaken, to extend the time to make sure we can get the Comprehensive Plan done. There has been a lot of work done by many people and staff, fellow Planning Commissioners who were here the last several years working very hard, working on lots of committees, and there is an awful lot of work that went into that. And I think they are asking us to get focused on this, let's get this through and let's get this done.

Mr. Rhodes: And I think that's a well-focused, well-targeted, well-deserved interest and effort to get it knocked out.

Mr. Howard: I just wanted you to have that information and I do want Mrs. Roberts to also explain, from the Parliamentarian perspective, when something is tabled it's an indefinite... she'll have to look it up and we can hear her comments. And I don't want to state it because I'm not positive; I haven't

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read that portion in a while. I think if it's tabled, it could stay on the agenda until such time as we're ready to handle it. So, I think that's how that works.

Mrs. Roberts: So, you are postponing it indefinitely.

Mr. Howard: But I want to hear other comments from the Commissioners. Mr. Rhodes, by all means, if you want to make an amendment, that's your right to do so.

Mr. Rhodes: Well, my suggestion was the consideration of an amendment, whether they would want to, the one who made the motion and seconded it, to put a date certain that we formally put it back on to be addressed. And we can always choose to defer it further, if not then. But I think, to me, that has some merit to it.

Mr. Mitchell: Mr. Chairman, if I might take that motion and use the friendly motion to defer this for ninety days.

Mr. Howard: Mr. Hiron, do you agree with that?

Mr. Hiron: I would prefer if it were worded in a fashion that not until... deferred until after the action of the Planning Commission is completed on the Comp Plan. It may be ninety days, that's our obvious goal right now and I think that's underneath the time limit that we have that we've been given by the Board of Supervisors, but that may change as well. So, rather than have a date certain or a time certain, I would rather it be predicated on what the Board has pushed down to us of "don't do it until the Comp Plan is done". That would be my preference.

Ms. Kirkman: So, Mr. Chair, could you clarify does that mean, or Mr. Harvey, does that mean the Boards' desire is that we not take up any other matters or only this matter until the Comprehensive Plan is completed?

Mr. Harvey: Ms. Kirkman, it was my understanding with the discussion with the Chairman of the Board was that we were talking about this matter particularly. We did not have any discussion about any other matters before the Commission, but the comment was made that the Chairman was hoping that the Commission would make the Comprehensive Plan its priority.

Mr. Howard: And I think that the fact that they allowed us to have the additional funding for future public hearings on other matters, which is what we projected, indicates that they understand there are other functions that the Planning Commission has to and will continue to undertake. So, I believe, at this moment, in order to get the proper order here, Mr. Hiron is asking the person, which would be Mr. Rhodes who made the friendly amendment, if it's okay in the amendment to change the wording to be something like when the Planning Commission finishes their responsibilities with the Comprehensive Plan.

Mr. Rhodes: That would have been Mr. Mitchell who was modifying his amendment.

Mr. Howard: Well, Mr. Mitchell was agreeing to yours, but I think it has to come back to you because contextually it's different than what you suggested.

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Mr. Rhodes: I would be okay with that. I just like that better whether or not it is always on the agenda than something that just is open ended and indefinite. We're way out of cycle, but what is the timeline on the Comprehensive Plan to get that finished?

Mr. Howard: They are going to give us until June 1st.

Ms. Kirkman: So, we're talking about postponing this for, at a minimum, six months. And it's okay to work on everything else but just not this. And we can have money for other activities but just not the Reservoir.

Mr. Howard: Actually that's a maximum of six months, Ms. Kirkman, because if we were to complete this in sixty days I am not sure that...

Mr. Rhodes: Mr. Chairman, I think that would be a maximum of four months.

Mr. Howard: Thank you.

Mr. Fields: Mr. Chairman, I would just offer, we haven't used in general... I know we haven't used here locally terms like tabled, etcetera, but they are used in the General Assembly all the time. My understanding, having watched several bills moved or not moved, tabled is a bill that has, as you suggested, is still on the table; something not being acted upon currently, no specific time limit. Passed by indefinitely is a term they use in the General Assembly to kill it without having the courage to say that they opposed it.

Mr. Howard: We're not suggesting that.

Mr. Fields: I think we haven't used that terminology and we tend to use deferrals to date specific, but I think this might be a case, that I might offer, I know we are a little out of sequence; I don't know if I'm offering a little friendly amendment or just suggesting, at a certain point all seven of us will have a version of this I think on the table. But we may want to use the terminology "tabled" which would mean that it is there to be acted upon at the first available opportunity that it seems that the will of the majority of the Planning Commission is willing to act on it.

Mr. Howard: That would be correct. We are all out of order at this point, Ms. Kirkman, so go ahead.

Ms. Kirkman: To clarify that, that means that if the will of the majority of the Planning Commission does not act on it, we won't. And I do concur with you, Mr. Fields, in the implied suggestion that this is simply another way to kill the bill without having the courage to vote against it.

Mr. Rhodes: Mr. Chairman, I completely disagree with that and if I could just clarify, I would like to suggest still a date certain and make it May 19th because that is when we will have to act on the Comp Plan in order to be responsive to the 1 June deadline. So bring it back on May 19th.

Mr. Howard: So, Mr. Hirons, your friendly amendment is being changed, as Mr. Mitchell agrees. So the friendly amendment now is to put May 19th on it.

Mr. Mitchell: Mr. Chairman, I will agree to the friendly amendment to make it May the 19th.

Mr. Hirons: As seconder, I will accept it as well.

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Mr. Howard: Alright. Now the motion on the table is to defer the Reservoir Protection Overlay District to May 19, 2010, right?

Mr. Rhodes: Correct.

Mr. Howard: Okay, any discussion on that? Yes Mr. Fields.

Mr. Fields: I would think that this ordinance is probably the best example, as we've all discussed amongst ourselves, probably the best example of how we move something forward, constructively used a whole evenings' worth of constructive public input, addressed every concern, and moved it forward. This ordinance has nothing to do with the Comp Plan. It has to do with the protection of our drinking water supply. It's been in the works for years and there is no compelling reason whatsoever to put this in any kind of sequence related to the Comprehensive Plan whatsoever. Its trajectory has always been independent of that and its trajectory has always been aimed at protecting the drinking water supply of Stafford County; which, though, in the broadest sense is certainly part of a Comprehensive Plan and the most technical sense really is irrelevant to the Comp Plan. If we were still months away on required tons of staff time to come to completion, I would see some logic to it. But since we are ready to move on the thing tonight, we have resolved all the questions, the idea that now we have an ordinance, we've carefully addressed all of the citizens' concerns and we all feel comfortable is a very, very well crafted responsive public interest ordinance, to put it on the table and to not allocate the funds, which I would remind you all, and I know you are tired of hearing it, that that law requiring that vast expenditure of advertising to have a chilling effect on land use ordinances was proposed by Terry Suit, a realtor who is also a member of the House of Delegates because I was there at counties, cities and towns watching her do it when it happened. And she said, she articulated very clearly, that her intent was to put a chilling effect on land use ordinances. So, I think the reasons for denying the funding and the reasons for denying this, I don't think they are quite aware of where this is and how constructive this is and I am certainly going to oppose this amendment, but if it passes anyway, I would still request that maybe we ask the Board of Supervisors to take a second thought at it. This is really effortless; this is ready to move and I think would pass with flying colors. Using dollar figures to inhibit the active ordinances I don't believe ultimately could sustain a legal challenge. I don't know how that is ever going to happen. Thank you.

Mr. Howard: Thank you Mr. Fields. Any other comments?

Ms. Kirkman: Mr. Chair, I also am going to oppose the motion. This Planning Commission, in good faith, made a recommendation to deny the original ordinance, as proposed, with the clear intent to move forward quickly and rapidly on fixing the ordinance and pushing it through in order to protect the drinking supply for the residents, taxpayers and homeowners of Stafford County. I find it somewhat appalling that the Board has said that protecting the water quality in the County is not worth \$13,000 worth of advertising and I think this is, in fact, a way to begin to kill the bill without voting no against it. So I am going to oppose the motion.

Mr. Howard: Thank you Ms. Kirkman. And just for the record, I don't know any member of the Board of Supervisors who does not want to protect the drinking water in the County of Stafford. And everyone is correct; this is another example of something that has been worked on by many people and staff and the Planning Commission and the public input as well. And no one is making any suggestion to kill the bill; no one is trying to make any attempt to make this disappear or not, at some point, be enacted. The problem is the Planning Commission is taking a tremendous amount of time with the

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Comp Plan which needs to be done as well. Even during the process with the public hearings and having staff and other experts come and talk, from their own experience about the quality of water in Stafford, there is no issue with the quality of water in Stafford. If there was an issue and there was some unbelievable problem or pressing issue, I assure you we would all be working as quickly and swiftly as possible to pass the Overlay District in terms of the Reservoir Protection. I think it's everyone's responsibility to do that. I don't think you can underestimate the impact of what the County's financial situation is at this moment in time. I think \$13,000 to spend, again when we know we will probably have to spend some additional money for the Comp Plan to advertise that and go through that, I think that's the focus, that's what we've been asked to do. It makes sense. There definitely is some relationship to the Reservoir Protection Overlay and the Comp Plan. There is some synergy between the two. To do one first or the other, I don't know that that's important. But I do know the Comp Plan impacts many other elements throughout the County, not just the drinking water.

Mr. Rhodes: Mr. Chairman, just for the Planning Director, since I did not observe the meeting last night, I would just like to confirm which one of the Supervisors stated that protecting the drinking water of the County is not worth \$13,000 of expenditure?

Mr. Harvey: Mr. Rhodes and Mr. Chairman, there was no dialogue in that regard.

Mr. Rhodes: Oh, okay. I was just...

Mr. Howard: Actually I think the vote was 7-0.

Mr. Hirons: Mr. Chairman, I would like to call the question of the motion on the table.

Mr. Howard: Okay, we have a vote that we have to vote to call the question of the motion on the table. And I am not going to talk about that, but from a procedural perspective, to explain that, that would mean that we have to vote on whether or not we are going to go right to a vote. Just so that is clear to everybody. That stops discussion and the vote, when you call it, means you are voting whether we are going to go right to the vote. So, all those in favor...

Mr. Fields: Do you need to second that?

Mr. Howard: You don't need to second when you call it. All those in favor of calling the vote on the table signal by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. All those opposed?

Mr. Fields: No.

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Mr. Howard: It sounded like six ayes and one no. So the motion passes.

Ms. Kirkman: Mr. Chair, I'm rescinding my vote and I am going to vote nay on the motion.

Mr. Howard: Ms. Kirkman, the motion was carried 6 to 1, we go right to the vote.

Ms. Kirkman: Mr. Chair, I do believe, and we can consult with the Parliamentarian...

Mr. Howard: Ms. Kirkman, you're out of order. The call was made...

Ms. Kirkman: Mr. Chair, point of order Mr. Chair...

Mr. Howard: Point of order, we will ask the Parliamentarian that question.

Mrs. Roberts: A motion to reconsider could be made if she was on the winning side.

Ms. Kirkman: But I also believe there is also a motion to rescind which is different than a motion to reconsider.

Mr. Howard: When the vote is called, it's a different parliamentary procedure. We have to go right to the vote. It passed anyway. If you want the record changed, we can talk about that after we vote on the next vote.

Mr. Fields: So let's vote.

Mr. Howard: Now what's on the table is deferring the Reservoir Protection Overlay District to May 19, 2010. All those in favor signal by saying aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Those opposed signal by saying no.

Mr. Fields: No.

Ms. Kirkman: No.

Mr. Howard: Okay, so it's 5 to 2. And Ms. Kirkman, would you like the vote to call the question, would you like that changed since the vote, as I recorded it, was 6 to 1.

Ms. Kirkman: Yes I would. I would like my vote to be recorded as a nay.

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Mr. Howard: I would ask, as the Chairman, I would amend the way the vote was cast and let it indicate that it was 5 to 2. Ms. Kirkman intended to vote no to that. And that was on the call of the question that was brought up by Mr. Hirons. Alright, before we get to Groundwater Management, can we take a quick five minute break and just be back here at 8:45; that would be great. Thank you.

2. Groundwater Management Ordinance

BREAK: 8:40 – 8:51.

Mr. Howard: Okay, we're back in session; we took our five minute break that went eleven minutes, which was pretty good actually for us. So the next item of unfinished business is the Groundwater Management Ordinance and, Mr. Harvey, is Rishi going to cover that?

Mr. Harvey: Yes sir, Rishi will cover the contents of our memo and we are going to need some additional guidance in drafting the ordinance.

Mr. Howard: Thank you.

Mr. Baral: Yes Mr. Chairman and members of the Planning Commission, this is a memo for the Groundwater Management Ordinance. And depending on the discussion we had on October 21st, November 18th and December 2nd, and also on January 6th, we revisited it, we went back and studied the Draper Aden study and we believe that further study and research was necessary before we came up with a Groundwater Management Ordinance. Specifically, there were a couple items that were not were not addressed in the report such as frequency of testing and monitoring, that was one part, and the second part is staff believes that some changes to the subdivision and zoning ordinance would be necessary. Conditional Use Permit and current guidelines of the Zoning Ordinance for a Conditional Use Permit looks for the harmony with the Zoning Ordinance of the existing parcels and provisions of the CUP needs to be changed to reflect the condition of Groundwater Management also. For that matter, staff seeks more time to do research and study before we propose an ordinance. That is the synopsis of the memo.

Mr. Harvey: Mr. Chairman, also in the memo that we presented to the Commission, there are a number of things we probably need some additional guidance on help us draft the ordinance. And some of which we are going to have to talk to the Health Department and Utilities Department to get some more technical details on the pump test. But also, towards the end of the memo, there are a number of highlighted issues that we need to get some clarification on.

Mr. Howard: So, it looks like it's the second page and it's toward the bottom. You're looking to do a full-fledged Groundwater Management Ordinance and you want more time to research the number of test wells required, method and rate of pumping that should be employed, duration of withdrawal test, monitoring requirement of wells, and the remedial procedures where hydrogeologic studies would not recommend development, right?

Mr. Harvey: Yes, those are some of the things we need to do more research on.

Mr. Howard: And on page three there's an additional list, right?

Mr. Harvey: Yes, the additional items we are going to need to get some direction from the Commission is should we look at creating a tolerable limit of what is considered to be an impact to an

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existing well. So, for instance, if someone does a pump test and they find out that yes, this new neighborhood is going to impact an existing neighborhood and the wells in that existing neighborhood, what should be consider as a tolerable impact, if at all. Should it be no impact, should there be...

Mr. Howard: Or is there a way to mitigate that?

Mr. Harvey: Well, yes, and that comes down to some of the other bullets and how we should go about that.

Mr. Howard: Well, it sounds like we hear ample information on a bi-monthly basis about how this does impact certain communities in the County.

Mr. Harvey: So, would the Commission want us to try to craft the ordinance that if there is a noted impact that the proponent of the new neighborhood has to come up with mitigation measures to show that there is no impact. And that could be done through the pump rate for the new wells, maybe regulating that. There will be a question on who is going to monitor that and if storage tanks are going to be required in the houses. Also, could the developer replace the existing well on the existing homeowners' lot; could that be an option? And then we also have questions about community wells rather than individual wells because that was one of the potential outcomes of the Groundwater Management Plan. If you tested three wells and you saw that they were interacting with one another, maybe within the new neighborhood and may have some negative withdrawals internally, would you go with a community well system where you may have three wells for twenty homes and then they have their own internal water line system connecting all of them up to the wells. Is that something that the Commission feels that we should have in the ordinance or not have in the ordinance?

Mr. Howard: Right. All good questions.

Ms. Kirkman: Mr. Chair, on the latter point I think the Utilities Department has made pretty clear their position on private, both water and wastewater treatment systems, which is that they don't believe they should be allowed in new developments.

Mr. Howard: Mr. Fields?

Mr. Fields: I was going to reiterate the same thing. When Mr. Snellings and I were on the committee studying cluster subdivisions in A-1 many years ago, that was the same conclusion is that if you have a community system, you're right; who is responsible for it? I think it is pretty logical that you don't want a forty member HOA responsible for maintaining a healthy drinking water supply. Default would be the Utility Department and they have been very clear; not only do they think it's a bad idea but they really don't want to have to be responsible for these little tiny units. My question about impact would be, my personal opinion at least and this is just my opinion on it, is that mitigation of adjacent impact would need to be probably regulated through a rate of withdrawal because it's really the rate of withdrawal from the well, not the existence of the well itself that creates the potential conflict of neighboring systems. Usually it is very, very difficult to prove that well A actually impacts well B simply by existing, particularly in the Piedmont area, for example, where things are very fractured and segmented. This came up right before I got on the Board, Jeff; it was Augustine, the wells there?

Mr. Harvey: Yes, the golf course.

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Mr. Fields: The golf course, so there is a difference between residential rate of withdrawal in a well. A well can produce ten gallons per hour and if the residential need is two to three gallons per hour, you're okay. If you're irrigating a golf course then, it is my understanding that a well is a column of water and the faster you withdraw the rate, the column spreads in a cone to draw water farther and farther away from the central core of the well. And so, it would seem to me the rate of withdrawal would be the germane issue there and not necessarily the existence of a well, but how much water you are allowed to use. But I don't know how you monitor that. Is there a way to mechanically or technologically sort of govern that? Or is that what you are talking about, storage tanks...

Mr. Harvey: That is something we will have to investigate. That may be a means to deal with that issue where you may have a smaller withdrawal but you have a storage tank within the house to be able to compensate for heavy use at times in the home. That's again more information we are going to have to investigate with the Health Department, as well as finding other areas and how they have dealt with that. Our Groundwater Ordinance, or Plan, had looked at some other localities in the Commonwealth and what they were doing, and a lot of it was based on Fauquier where they have community well systems and we don't have any in Stafford. So, again, that was our question; did the Commission feel like we should consider community well systems? I'm seeing that most of you don't think so.

Mr. Fields: Are the Fauquier community wells supervised by their service authority?

Mr. Harvey: From what I recall, and it has been a few years ago, yes they were taken over by the service authority.

Mr. Howard: Is there a meter on the wells? How do they determine the output of the well?

Mr. Harvey: I don't know; we would have to revisit that. There was a Board committee, if I remember... maybe you were on it, Mr. Fields, and we had a representative from Fauquier's water service authority come and speak to the group.

Mr. Fields: That was the committee I was referring to with Mr. Snellings.

Ms. Kirkman: Mr. Chair, I also wanted to point out, under the fifth paragraph when you list the things that we brought up at the last meeting that were recommended by the Draper Aden study, the other thing that I mentioned that I pointed out at that time that is not on this list is that that study recommends certain prohibited uses in certain areas. So that should be added to this list. And then, I think given that the Board passed the Groundwater Management Policy in December of 2006, which was over three years ago, I think it would be helpful to get some kind of timeframe in which staff thinks they could come back to us with the information that is needed.

Mr. Howard: Thank you. And can you remind us again the origin of this ordinance, or the desire to have the ordinance.

Mr. Harvey: The effort for creating the plan stem from a drought condition that we had in, I think it was...

Mr. Baral: 2003 and 2004.

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Mr. Harvey: Yes, 2003 and 4. It was a two-year drought and we had a number of wells that ran dry in the County.

Mr. Howard: I recall that, but I'm more asking, I think Mr. Harvey, the origin of this particular desire to have an ordinance now because it's six years later, maybe five years. But was it as a result of this committee that you were on with Mr. Snellings? I am just trying to understand. Is it just one of those things that has been around a long time also or is this fairly recent?

Mr. Harvey: The plan has been adopted by the Board since 2006, but there has been no appreciable action on it. It came up in discussion here at the Commission level that the Commission should dive into it and start looking at it and try to move it forward.

Mr. Howard: Okay, and I guess that's the 2004 meeting that was mentioned on the front page or something thereabouts. Okay.

Mr. Harvey: So, again, to help staff, in looking at these standards should we have any tolerable level of impact to adjacent properties or affected properties, or should there be no impact as we go towards designing this ordinance?

Mr. Howard: How would you measure the impact?

Mr. Harvey: Well, number one, we would have to have a situation where someone can do some offsite testing of some wells, and that's going to require private property owners to agree to it. But it would have to be a report provided by a certified person that can test wells. And we would have to review it to see what the before and after were as far as the impacts to the well, if any, based on the new well being pumped.

Mr. Howard: You mentioned that there were other, other than Fauquier County, there were other counties, Loudoun and Albemarle? Is that right?

Mr. Baral: Yes, they do have a Groundwater Management Ordinance also.

Mr. Howard: Do they have any way of measuring what's tolerable in terms of impacting someone else's drinking water?

Mr. Baral: When engineers do a well test, they can identify what the interference level is, what is the radius or within what radius withdrawal will have affect on.

Mr. Howard: Do you know how that's measured?

Mr. Baral: That is a hydrogeologic testing procedure and a developer will have to do that.

Mr. Howard: Does that require to be on someone's property in order to conduct that test?

Mr. Baral: Depending on where the water flows, where the flow directions are, sometimes it may be.

Mr. Howard: Okay. Are you familiar, Rishi, is that an ordinance that they actually have had the ability to enforce and go out and test and measure and hold people accountable? I don't know if they shared any information with you or stories on how that...

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Mr. Baral: I am not specifically familiar with that but there is a remedial procedure in case certain well withdrawal has an affect on other existing wells.

Mr. Howard: Okay. Well, it makes sense that there should be. So, if there is a way to mitigate impacting someone else's property, or their well I should say, I think that should be included. Is that what you are asking, Mr. Harvey?

Mr. Harvey: Well, yes, I was asking that if there was an impact should we have some remedial measures that can be identified in a manual for them to reach a desired tolerable level, whatever that is. Again, does the Commission want staff to gear this towards having no impact to offsite properties or is a certain threshold that is tolerable that we could come up with. I mean, we could check with other localities to see how they do that and come back to you with what we found. Again, ultimately we need some direction.

Mr. Howard: I will go back to Ms. Kirkman's comment, how much time do you need because for us to sit here and think we can come up with some reasonable way to measure what the potential impact is to someone else's well, I am not sure I have the expertise or if anyone else does...

Mr. Harvey: Sure. We would have to refer to other experts.

Mr. Howard: Right, and there's probably already a code out there to your point in these other counties where they have some of these ordinances that are in place and are put in place for the right reasons to handle issues if they arise, remedial or otherwise.

Ms. Kirkman: Mr. Chair, I have a question for Mr. Harvey. Mr. Harvey, could you please explain a little better your emphasis on sort of like baseline testing and measurable impacts, because as I recall from some of the other ordinances from the other localities, I don't recall that sort of individual well focus. And, instead, what I seem to remember what those ordinances did was focus on two things, and one was identifying uses that either should be limited or prohibited and then that the second component was often something around the potential impacts of the new proposed wells. And that didn't necessarily have to be done through baseline measurement of adjacent wells but through all the fancy testing and what aquifer it draws from and that sort of thing. So, it would be helpful if you could explain your focus on this very difficult, very technical aspect instead of these other two broad aspects which I seem to remember what the other ordinances focus on.

Mr. Harvey: I will have to defer to Rishi for response on that.

Mr. Baral: You are asking a question about affect on other wells or...

Ms. Kirkman: No, I am asking why Mr. Harvey is focusing on this sort of before and after measurements of the impacts on adjacent wells because what I've seen, and it's been a couple of years since I've looked at the other ordinances, other localities don't focus on the baseline measurement of adjacent wells and how to deal with mitigation, but instead have focused on prohibited and limited uses as one component of the ordinance. And the second component being the testing of the potential impact through the hydro... you used the right word earlier, I can't remember the whole long word... but which doesn't necessarily involve testing adjacent wells for their current output and then going back and retesting later. Instead it bases it on water flow and aquifers and draw rates to estimate the potential impact. So, that's what I'm trying to understand.

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Mr. Baral: Actually, the way we prepared it is in other ordinances also, when a new well is proposed, a study will be done and whether or not that well affects the other existing wells, that needs to be identified. In the DAA report also, it has a tiered approach for that region. A development likely to affect groundwater resources are required to propose a groundwater management plan. And when we combine all the information, we have information such as what kind of changes will be necessary in the Zoning Ordinance, Subdivision Ordinance, and this is the list of all items that may be related to the Groundwater Management Ordinance. That is one of the potential items that could be included in the Groundwater Management Ordinance.

Mr. Howard: Does that help you Ms. Kirkman?

Ms. Kirkman: Only minimally, but that's all right. Thanks.

Mr. Howard: Alright. It sounds like there are also two main issues that you are looking to solve. One, I am going to use the same word to describe both but, so the efficacy in terms of what's the output possible from the well, is that correct? And is it sustainable. So, can the well be self-sustained and what is the output of this particular well if it's a new well, if it's a new home. Is that correct?

Mr. Baral: That's correct. What is the withdrawal rate from the well.

Mr. Howard: Thank you. And then the second piece is what is the quality. So what is the quality of that groundwater. And there are some testing that you are proposing, testing for pesticides and other types of tests. I guess what's not clear to me is does the County have the resources to actually do that, because those are two very important, but I am not sure; do we have the resources for that?

Mr. Harvey: Well, there could be a couple of approaches. It could be to hire consultants to review other consultants' work.

Mr. Howard: Right, and the newer construction is probably easier if someone is applying to have a new well. I would think those would be the easier ones, but existing... I'm not sure how you do that.

Mr. Harvey: Those would be some of the things we would have to try to work through, but as far as the County's approach on how we would deal with that, we could either hire consultants that work for us that would review whatever studies that came in, or we could hire staff. But, given our current economic climate, I don't think the latter is going to be possible. The former might work; there always are management issues that you might deal with when you hire consultants and monitor their work.

Mr. Howard: Alright, so you are looking for direction from us. So, I will open it up for comments from anyone else as they've listened and thought through this. Staff is looking for some recommendations from us in terms of full speed ahead. Are there elements that we should tell them to take out or just elements that they should just focus on for now. Is that correct?

Mr. Harvey: Yes. As Ms. Kirkman said, the Plan recommends, in wellhead protection areas it potentially prohibits some uses. There may also be, like Mr. Baral was saying, you could have a tiered approach as far as what level of study you have to do based on potential impacts.

Ms. Kirkman: Mr. Chair?

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Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: So, Mr. Harvey, what is it that staff needs... let's break this down into different components. Earlier I raised the point why the focus on measurement of baseline conditions in adjacent wells and mitigation and impacts and what's allowable and what's not. That actually, as far as I can see, is not in the consultant's report anywhere. If we could just go back to the recommendations the consultant had and identify what are the barriers to implementing what the Board approved over three years ago and what you need to get those components done. So, the first is, for instance, if you take the high level management strategy, that included conditional use permits or special exceptions for certain proposed land uses within the Fall Zone. What additional information does staff need to craft an ordinance regarding that component of a Groundwater Management strategy?

Mr. Baral: The first thing is that the DAA report specifically requires a CUP or special exception but the current provision of the Zoning Ordinance, the CUP only looks for the harmony of the Zoning Ordinance. We need to refine the Conditional Use Permit provision of the Zoning Ordinance before it could be implemented because a current Conditional Use Permit does not specify any requirements such as the Groundwater Management Ordinance. That is one thing. The second thing, we need to be able to identify what chemicals we monitor. The DAA report doesn't go in depth to that. What chemicals are of interest to what level, what concentration; do we consider arsenic, do we consider copper, do we consider iron, and do we consider pesticides. If we consider to what concentration, and what concentration is allowable and what concentration is not allowable. We need to define all and everything, and this report falls short of that.

Ms. Kirkman: Okay. I understand the report falls short of that but, in terms of... so you're saying, in order to identify which uses would require... I understand what you are saying about we need to look at the language around a Conditional Use Permit so that this will fit appropriately under that; that makes sense. But why would you need to define what, like copper, arsenic, lead, chromium, whatever it is, why would you need to define those things in the Ordinance rather than have that something dealt with on an individual case by case basis through the CUP process? So, for instance, right now, on our CUPs for other uses, we don't say buildings can only be X, Y or Z. We allow a CUP and the details of the CUP are worked out through the CUP process.

Mr. Harvey: Ms. Kirkman, the CUP process wouldn't necessarily be geared towards water withdrawal. It may, in fact, be geared towards land cover; so you minimize land cover. Water withdrawal could be a part of it. You could have two different types of CUPs; you could have one that deals with focusing looking at certain land uses that tend to have a high amount of ground cover and, through the CUP imposed conditions it might minimize that ground cover, or specify that intermittent streams are left undisturbed so you can maximize your water recharge. A lot of our Fall Zone areas are going to fall within our Urban Service Area and it may not have wells used in those areas. But you still will have the situation where there will be some wells and you may want to require the CUP in that case. But we would also have to determine do we want that to apply to all wells or wells of a certain category or caliber. Those are some of the things that we will ultimately have to try to work out.

Mr. Fields: May I interject? I think there seems to be a communication disconnect. Everybody is trying to work through this diligently. What I'm hearing is that there is really two different topics. What I think Ms. Kirkman is referring to, and with her permission I am sort of amplifying this because I was on the Board when we adopted this and did the Draper Aden Study so I am familiar with the

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whole study, is that what irrespective, if we take away these testing, we are constantly drifting back into the well issue and I don't think that is really this layer of it is about protecting the groundwater in a broad stroke. And I think that's what we want to find out; what do we need to do to simply create a CUP that works in the Fall Zone to protect what potentially infiltrates into the aquifer that the Fall Zone recharges. Let's just take wells off the table for a moment; whether they are dug or not dug or don't apply or what their withdrawal rate is, what do we need to do to protect the quality of what reinfilters there in the Fall Zone. Is that getting closer to what...?

Ms. Kirkman: Yes. I think, very simply, there are parts of this that seem to me could be implemented now without a lot of fancy consultants and expensive people to hire, and I'm trying to identify what are those components that we could go ahead and start putting into practice now. So, for instance, the consultant's report recommends that other localities, for instance, in wellhead protection areas they prohibit landfills. We don't need to do anything fancy about that. That's not about testing, measuring impacts, mitigating impacts... it just suggests you shouldn't have a landfill in a wellhead protection area. And so I am trying to identify those pieces, or have staff identify those pieces that aren't particularly complicated that we could implement now.

Mr. Howard: Yeah, I think that's reasonable. Let me go down this quick list. One is I think everyone should get a copy on the Planning Commission of the consultant's report at the next meeting. Then, also a copy of the DAA Groundwater Management that you referred to twice. And then, I think Ms. Kirkman asked this question; what barriers are in the way for the Planning Department to enforce the Ordinance as outlined by the report and the existing Groundwater Management Plan, which is really what Ms. Kirkman is really saying. There are elements of that plan that you can just enforce and put in place today. But if there is a barrier that we're not aware of, we would like to know that and we can help strategize that to get it out of the way. I think this is where Mr. Fields was going; what do you recommend to protect the aquifer and also the wellhead protection area? So, what is it that staff is recommending to do that versus focusing on individual wells at this point. This could very well evolve and have addendums that add specific criteria for wells and managing those wells. But it sounded like we are asking you to be a little more high level and get into the detail of an individual well versus other things that we can do from a Groundwater Management protection perspective countywide.

Mr. Harvey: Certainly the land use aspect of it is easier to push forward. And if the Commission wants us to focus on that, we can. The other parts will take longer.

Mr. Fields: Yes.

Mr. Howard: We'll get a consensus but the other thing, what I also would like, there is some information but I would like to see a little more detail on what other counties use pump rate because if we get into the individual wells... I think you are sort of going down two tracks, as you have indicated. But I would like to see that. What other counties are using that as a way to regulate and what does that mean if there is pump rate that is being used. But yes, we are asking, I think on the higher level which is the land use, which may take longer. So, that's the question; how much time would it take to pull some of that together. Seven days? Five Days?

Mr. Harvey: We will have to get back with you on a full detailed process there. Based on what the direction I'm hearing is that we can focus on drafting up some land use regulations that deal with wellhead protection and also the Conditional Use Permits. And then hopefully we can get a draft back to you, probably too short of a timeframe for your next meeting but we would do it your first meeting in March.

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Mr. Howard: Yeah, I don't think we need to vote but is that the will of the other members of the Commission? Does anyone have any other comments on that?

Ms. Kirkman: Mr. Chair, while we have Rishi here I would like to ask him a couple of questions about testing.

Mr. Howard: Absolutely. Are you going to test him?

Ms. Kirkman: No, no... I know who would win that. So, Rishi, in the consultant's report they talk about groundwater plan and hydrogeologic testing. And here's what they discuss, here's what they say are some of the elements that should be included in it. And some of these seem like very simple things to do, and so it would be helpful for you to explain why they are not simple. So the first is topography; that's an easy one, right? Land cover and soil characteristics. Existing hydrogeologic information. Surface water drainage. Planametric features. Now what is that?

Mr. Baral: Planametric features... it would be very close to topographic survey but what information it will have is where adjacent to landmarks and buildings are and things like that, whatever the surveyor gives.

Ms. Kirkman: Okay. So, property use inventory. Known potential sources of contamination; I think we require something like that already. Map geologic contacts. Estimated groundwater flow patterns. Proposed activities that have the potential to contaminate the groundwater. Discussion of groundwater opportunities and constraints. Well location. And the only one on here that seems to require some more technical effort is the specifications for monitoring wells. Is that like the one piece that the consultants recommended for groundwater plan and hydrogeologic testing, is that the one component that requires some technical input?

Mr. Baral: Yes, that is one component but I believe what you are reading is a recommendation to a Groundwater Management Plan to have. That is what it is.

Ms. Kirkman: Okay. So, Mr. Harvey, those are all pretty simple things. How difficult would it be to craft a subdivision ordinance that requires those things?

Mr. Baral: The one illustrated is a requirement for a Groundwater Management Plan. And the consultant has a tiered process. If it has a higher number of lots, the consultant also recommends doing hydrogeologic study, and that is one thing. The other thing is...

Ms. Kirkman: Could you say what that consists of?

Mr. Baral: A hydrogeologic study will show the soil characteristics and also the flow pattern and the amount of water that could be withdrawn without affecting other wells, if there are any. That is what a hydrogeologic study will have.

Ms. Kirkman: And when you do that type of study, do you have to go onto adjacent properties to measure current well water quantity or quality? Because it sounds like this is more like a modeling exercise than an actual measurement, is that correct?

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Mr. Baral: Actually, generally you don't have to because a hydrogeologic map will tell us what direction the water is flowing and, depending on that information, the well will be located and the test will be performed. Not necessarily you will have to go to a particular location, particular latitude and longitude, but a hydrogeologic survey will provide as to where to install the test well.

Ms. Kirkman: So, again, my question is those seem like fairly uncomplicated things; what's the barrier to crafting a subdivision ordinance that requires those things as part of a plan?

Mr. Howard: That's part of what we were asking, Ms. Kirkman. I think that's what Mr. Harvey has to do in terms of homework. And I think he indicated they were thinking slightly different, but because we are reframing it, if you will, in terms of land use then I think he indicated that would take a little bit longer. Is that correct? Is that your thinking, Mr. Harvey, about Ms. Kirkman's questions?

Mr. Harvey: I think the land use is something that we can draft fairly quickly. As far as setting up the protocol as described, that's fairly straightforward as well. It again gets into probably more so the administrative standpoint as far as how that's going to be evaluated, what are all the specific parameters in more detail than all the bullets that were outlined. So, we would have to get into more meat on that. That is something that certainly we can do.

Mr. Baral: In the previous meeting, we proposed a draft ordinance. The one thing it didn't have from the DAA report was the tiered approach as to when to require a groundwater management plan and when also to require a hydrogeologic study. Other than that, in the previous meeting, we provided a draft ordinance which defined as to when to require a CUP. Also, to define what the Fall Zone will be, we can revisit and bring a report again.

Mr. Howard: Okay.

Mr. Hirons: Mr. Chairman, I just wanted to make sure the direction to staff was also to make sure that, particularly Mrs. Hazard and myself, receive copies of the reports and the consultants' reports. I'm hoping those could actually be given to us with our next meeting package, although I know it's not going to be on the agenda until the March meeting I think you said.

Mr. Howard: Right.

Mr. Harvey: Yes.

Mr. Hirons: Okay, thank you.

Mrs. Hazard: Mr. Chairman, and forgive me if you did get an answer to this question. When you had asked before about sort of the impetus for all this getting started, is there any county... I mean, we have the broad policy, I think, which we want to meet outlined in the Comprehensive Plan or not, but was there some trigger event that got this to the top of the start that we might be missing if we're identifying aims or goals? If there wasn't, that's fine.

Mr. Howard: I'll defer that to Mr. Harvey; I'm not sure I can answer that question.

Mrs. Hazard: I think you had sort of asked that too of how it got going. Okay, I wanted to make sure I didn't miss something.

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Mr. Howard: Well, you've reframed it slightly different but, Mr. Harvey, was there some trigger recently within the last twelve to eighteen months that, hey, this is something that we have to get done?

Mr. Harvey: I am not aware of a specific event in the community but, again, that was something that was discussed at the Commission level here that we should be making progress with this plan and moving something forward.

Mr. Howard: Okay. Thank you.

Mr. Fields: Also, something just on a personal level, I know that the former Hartwood Planning Commissioner, I believe she was also very instrumental in moving this forward.

Mr. Howard: Okay.

Mr. Fields: Hartwood and, to some degree, Rock Hill have the most complex problem regarding this, other than the recharge area at the Fall line for the whole Potomac aquifer. But the individual wellhead protection rates of withdrawal affects Hartwood more probably than any other district. And so I think it was Mrs. Carlone's desire, partly, is what got us wrapped up in this.

Ms. Kirkman: Well, also, I will add that some of these similar questions were raised during the public testimony on the Reservoir Protection Ordinance. And, for folks who don't remember, back during that two year drought the County ended up, I think, bringing in pump trucks and filling peoples' wells with water because that was the only way to get water to households.

Mr. Fields: Those were, of course, shallow boardwells; those weren't deep wells.

Mr. Howard: One question and then we can wrap this up. The onsite storage that's recommended or suggested, how would you even keep the water sanitary?

Mr. Harvey: That was just something that staff was speculating on that we may have to do if there is some restriction on how fast the well could pump that you wouldn't have an impact to an adjacent well. But if we are not necessarily going there, we don't have to deal with that issue.

Mr. Fields: Mr. Howard, if I could briefly... onsite storage tanks in houses are also another thought that over the years we've talked about because if you do that in the rural areas, you can actually have a fire suppression system built into rural houses; which has often been talked about in the big picture as a way of reducing the cost and complexity of creating fire suppression services via tanker truck. And that, if you had rural homes with their own, which you can't get the pressure usually from a well to run a sprinkler system, but you can have a tank that will create a significant amount of built-in fire suppression. Just as an adjunct, if you ever get into the discussion on tanks, there is a couple of benefits other than just utilization; there is fire suppression.

Mr. Howard: Lawn watering as well. Okay. The next item that is on the agenda is item 3, the Amendments to the Comprehensive Plan. I guess Mr. Zuraf is going to help us out with that.

3. Amendments to the Comprehensive Plan (**Time Limit: January 20, 2010**)

Mr. Zuraf: Good evening Mr. Chairman, members of the Commission. Mike Zuraf, the Principal Planner with the Planning and Zoning Department. You received in your package a list of comments

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that were received over the last few weeks and as kind of a comprehensive list of possible amendments. I think the original intent was for tonight's meeting for the Commission to kind of pile a list of suggested amendments to forward onto the Board for their next meeting but, as you've learned, last night the Board extended the timeline for the Commission to June 1st. So we do have some time but we do have a list that we can go through if you wish. There was, in addition to the package that you received, a separate map was provided to you this evening. This was a request from Mr. Howard to see the map of the water and sewer lines against the current proposed Urban Service Area limits.

Mr. Howard: Mr. Zuraf, and that's the proposed Urban Service Area limits before... it's the latest and kind of greatest.

Mr. Zuraf: Yeah, it's the latest and greatest version with the water and sewer lines. The amendments that were listed out in the memo. There are some specific amendments that are suggested and provided also, and then there are just some continuing forwarding on some of the general issues, the bigger issues, that may need further crafting of language; those have been pointed out as well. The comments basically follow the format of the plan. The comments run through Chapter 2, with Goals and Objectives, and then onto 3, 4 and 5. We do have staff here that can provide more specific mapping and GIS data layers if we get into that and if that's requested. But I guess at this point I guess I'm requesting input as to whether we would want to go through point by point and get a feeling of whether each point is something that the Commission wants to move forward and see further changes to or, I guess I'm turning it over to you as to what your wishes are at this point. I am ready to go through point by point if that's what you want to do.

Mr. Howard: Well, we have to get working on this. I know we have some time but I'd like to start and go through point by point and we'll see where we end up.

Mr. Zuraf: Okay. Starting on page 1...

Mr. Fields: Excuse me, just a point of process. If this is an open-ended thing, how long do we want to spend tonight on it? We could do this for hours obviously.

Mr. Howard: Yeah, this could easily take six or seven hours to go through. We could break it down into... Mr. Rhodes, you were going to make a suggestion?

Mr. Rhodes: I was just going to say if Mr. Pitzel were still here we would probably stay straight through seven hours.

Mr. Howard: Yeah. Since we have an eleven o'clock deadline, plus we still have a few unfinished business things to take care of, as well as some appointments to other Boards and things that we have to get Planning Commissioners involved in, I will defer to the will of the group. I know Mike is prepared and has spent a lot of time on this; Mr. Hess is here as well. I think there has been a lot of great work done to date, as indicated. I think some of the major changes... why don't you go through some of the major, what you think are the major ones. So, an example I would give you, is we talked about Transportation and certainly the Bond Referendum passed; not that the County is going to spend that money today, but it is part of how the County is thinking about transportation in the future. And that was something that I know is now in here. And the Parks and Rec is the same. So those types of things that kind of are a big difference or a big change or a big addition you might want to just highlight for everyone.

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Mr. Zuraf: Alright. On that, going to page 3 of your memo, comment number 5 dealing with Transportation. That is in response to the concerns that were expressed by Commission members, Board members, citizens that wanted to see more transportation information in the plan. So, what staff has done is drafted some new text to add into the end of the Land Use Plan section. This text falls short, it doesn't intend to serve as a Transportation Plan; it's more of an idea of making the public aware of how transportation and land use are related. And it kind of clarifies and references that there is a separate Transportation Plan, as a separate element of the Comprehensive Plan and describes how that works and notes in the future iteration of the Transportation Plan we will be using a Transportation Model that will give us more specific details as to what our future transportation needs are. And then also concludes with a discussion of roadway projects that are in approved current programs through different forms, one being the Transportation Bond Referendum, the VDOT Five Year Plan and also the Transportation Impact Fees. So, that's all provided in an attachment within Chapter 3 in your package, the text that was drafted on that. That's one of the first major changes or additions made to the Plan.

Mr. Howard: Okay. And I assume it was the same with the Parks and Rec, or similar?

Mr. Zuraf: That did not get a full section, a full write-up.

Mr. Howard: Okay.

Mr. Zuraf: If that's something that you would like, a similar write-up, then we can add that in.

Mr. Howard: Well, correct my memory because I'm not certain. When the Parks and Rec Bond Referendum was passed, was there designated... I know there were types of parks, rectangular fields and aquatic centers and that type of designation in the referendum, but were there also locations?

Mr. Zuraf: There were specific projects referenced and what we did, and we're probably sounding like we may need to expand on that, is we've added information to Chapter 5. That would be a comment on the last page 6; it's 9(g) under Parks and Recreation, attachment 9. We've basically just expanded information under Parks and Recreation under existing conditions to reference that Bond Referendum. We've generally noted what types of improvements were part of that. We can expand and get into more specifics and list out what those individual projects are.

Mr. Howard: Again, not to say the County will spend that money, I think, in today's environment, things are very different than when the referendum went through, but it certainly is on the radar screen and it seemed to be the will of the majority of people in Stafford to have those types of facilities built in the County. I would think we would want that as part of the Plan; whether that happens again, that's a whole other discussion. And, again, the plan is directional in nature.

Mr. Zuraf: I guess another big change to the Plan, the big issue, was actually the first comment on Policy Terminology. I think Mr. Rhodes once or twice mentioned that "shall" versus "should" issue and so staff was requested to just go ahead and go through. And we've provided a version of Chapter 2 that goes through and makes the change to every spot where there's the "shall" and changes it to "should". I did not make that change where there were some of the policies that actually matched up with State Code requirements, specifically like the UDA suggested policies where you have to have at least four dwellings per acre. I kept that as "shall" because it kind of goes along with what's required by State Code. But Chapter 2 in your attachments show you how this plan would look with the terminology referencing "should" versus "shall".

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Mr. Howard: Okay. And then, why don't you... and then maybe your approach that you are taking is good. Maybe we'll take another fifteen or twenty minutes, Mr. Zuraf. And before you continue, one of the compelling reasons to get this done, I think, as I am sitting here going through the pages, and I'm thinking about the FIM, the Financial Impact Model. That, if I'm correct, that really is what helps us as a body, if you will, to determine what some of the proffers are. Is that right? Don't we at some point leverage the date that's in here in terms of what the costs are for the types of dwellings? Or is that completely separate from the Comprehensive Plan?

Mr. Harvey: Mr. Chairman, the FIM is something that...

Mr. Howard: Not the FIM necessarily, but the Comprehensive Plan, at some point, would allow the County to justify why the proffers are what they are. Is that right or not right?

Mr. Harvey: The Comprehensive Plan in the County is a capital improvements plan. Your proffer guidelines are supposed to be based on your anticipated CIP projects and the affects of offsetting the costs of those CIP projects for new development.

Mr. Howard: What relationship does the CIP have to the Comprehensive Plan?

Mr. Harvey: The State Code, in a lot of regards, says that you should have it *in* your Comprehensive Plan and it should be a part of your Comprehensive Plan. Currently, the CIP is approved by the Board as a budgetary tool; it's not necessarily in your Comprehensive Plan.

Mr. Howard: Okay. And then, Mr. Zuraf, maybe you can go through some of those highlights. This was a lot of date and a lot of information, and I appreciate all the hard work that went into this. So as people go through this they can understand where they should look to see where a change was made.

Mr. Zuraf: Okay. We have a whole series of suggested adjustments to policies and objectives; they go on to page 2. The third policy, policy 1.2.11, that was in response to staff met with Mr. Howard and Mr. Howard requested staff to provide some comments, staff's concerns on some of the issues with the Plan. And that was a policy that staff was throwing out for the Commission to consider; to consider some sort of growth policy that would establish target ratios for the amount of growth inside versus the outside of the Urban Service Area, and then an overall growth rate. I guess an example we're citing on the growth policy on the ratio would be looking at like an 85/15 ratio for the amount of growth that would occur inside the Urban Service Area versus outside. So you would limit the amount of growth that would happen out in the rural parts of the County because the latest version of the land use build-out, if you look at the breakdown from outside the growth area versus in, it's about 50/50 as far as the build-out ratio. So, that staff believes is not necessary and would be the best for the County so we're throwing this policy consideration out there.

Mr. Fields: Mr. Chairman, nobody would disagree with this as a policy, but the obvious question is how do you limit development in the agricultural areas as long as you have 3 acre by-right development? How do you change the ratio? How is it done?

Mr. Zuraf: I think it would be incentivizing.

Mr. Fields: Incentivizing... I'm not beating up on you, Mike, I know you are doing your job and doing it well and doing it longer than ever in your worst nightmares, I am sure.

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Mr. Zuraf: I'm lovin' it.

Mr. Fields: So my hat's off to you. My frustration is that we've had this debate before. There are two options to changing the ratio. The ratio now is occurring through a set of market forces and the relative cost of development within the Urban Service Area and the relative cost of development outside the Urban Service Area, and what the market for each product is, etcetera, etcetera, and who has what properties and who is ready to work and who has the best financing, etcetera. It's all built on the housing industry's market forces and capabilities. So, if you want to change that ratio, largely you have to either make it more difficult to build outside the Urban Service Area or you have to make it easier to build inside the Urban Service Area. One way is unpalatable to one set of people because you are talking about essentially changing the by-right densities of the rural areas which, of course, you could cut that number by a third simply by going to one per ten by-right instead of one per three. But to leave that as a sacred untouchable thing, three acre by-right in the agricultural areas means the only other option then is to lessen the differential of developmental costs between three acre lots and suburban residential or residential lots; which means reducing proffers and reducing standards and reducing the cost of development. I mean, am I missing a sense of the possibility of incentivizing one thing over the other? I am just open to anybody; Commissioners, staff, anybody. I understand everybody's frustration with it. In all this debate, which has been going on for years, you either make it cheaper; you lessen the County's ability to mitigate impacts inside the Urban Service Area to make it cheap or you restrict it in the ag areas.

Mr. Rhodes: PDR/TDR.

Ms. Kirkman: Since you asked, the other way you do it is you keep expanding the Urban Service Area; which clearly, given all the suggestions to expand the Urban Service Area, is one way to achieve that ratio.

Mr. Fields: I hadn't thought about that.

Ms. Kirkman: You just put more of the County into the Urban Service Area.

Mr. Fields: PDR/TDR might be the only possible concept. TDRs, if you'll remember in our presentations on TDRs and the successful TDRs, is that TDRs have only succeeded when they are compensatory for downzonings.

Ms. Kirkman: Right.

Mr. Zuraf: Well, another issue that may get to that also is the designation of Urban Development Areas which is not currently addressed fully as far as location and where the fourteen to twenty-eight thousand dwelling units will go on the map. So, that itself will increase that ratio.

Mr. Fields: Okay.

Mr. Howard: Yeah, the UDA is one way.

Mr. Harvey: Also, Mr. Chairman, part of the staff's thinking here is if we had a policy that this is the ratio, we would continue to monitor it on an annual basis to see where we are. And if we are out of balance and the Board and the Commission feel like the percentages identified in the plan is our goal

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that we want to shoot for, then we would look at what kind of measures can we do to try to change that balance. So, it would be sort of an over-arching policy or direction for us to continue on with the efforts to monitor and try to influence where development would occur in the County.

Mr. Howard: That's what was explained to me when staff went through it and I said "well, put it out there and let's get comments from the Planning Commission and get other peoples' thoughts on it".

Mr. Zuraf: Moving on, some other policies, Policy 4.8.2; a suggestion was made to specify a means by which the ten acre lot density within the Military Facility Impact Overlay District could be achieved and that was basically through TDRs, PDRs and other conservation easements. That's the language there.

Ms. Kirkman: You might also add something along the lines of coordination with the Base on their Encroachment Control Plan because they do sometimes have monies available to purchase other development rights or properties outright, too, for that purpose.

Mr. Zuraf: Okay. Another adjustment to the Plan is comment 4, the start of page 3. There was a concern expressed with the phased expansion of the Urban Service Area out into the northwestern extents of the County through the area known as The Roses, Lake Arrowhead, Hidden Lake and also other pockets out to the Hartwood area. And through that staff is suggesting maybe a way to address that it would be to specify certain terminology on the Land Use Plan that would only reference these areas as, for example, in the Rock Hill Sewer Service Area, to the northwest part of the County. So, you are not calling it an Urban Service Area because I don't think the intent is to promote urban development and higher density out that way. Most of the land is already subdivided so it's more of a designation of the intent to provide sewer at some point in the future to the existing residents out there if the need comes up. And then the same with the Hartwood area; there is the pocket of Urban Service Area expansion around Hartwood Elementary School. And the intent there was for water and so that would be a recommendation there to designate that as the Hartwood Water Service Area.

Mr. Howard: And the thinking on that I think is because it's a known issue at the time the Comp Plan is being revised. So, to not acknowledge it somehow or try to create some remedy without expanding, because the original thought I know some people had to just expand the Urban Service Area which is probably not the right answer. In particular, if you are going to try to control some of the growth, you like to have a balance at least.

Mr. Zuraf: Language was added in to Chapter 3 that kind of deals with all that and addresses all that and clarifies that the service areas are a separate kind of entity from the Urban Service Area itself.

Ms. Kirkman: Excuse me, I have a question about that. That may have some meaning in terms of some other things that are tied to the Urban Service Area. But Mr. Harvey, my understanding in the Utilities Ordinance, we have a section of the Ordinance that allows developers to connect to existing water and sewer lines when certain conditions are met, regardless of whether they are inside or outside of the Urban Service Area. And it has to do with like proximity, cost and the number of lots; is that correct?

Mr. Harvey: That is correct, and there was some discussion that we should consider maybe wording this language that it is specifically limited to serving those existing lots and any other properties that are along that service line. However, there would be no further expansion of the network, i.e., the public lines, beyond the limits of what is built necessary to serve those areas.

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Ms. Kirkman: But wouldn't that be in conflict then with the Utilities Ordinance which allows exactly that?

Mr. Harvey: Well, that would be the point to say okay, our Comprehensive Plan says this is what we should do. We should be changing the Utilities Ordinance to reflect what our Comp Plan says.

Mr. Howard: I think staff's desire was to create a process that would not expand the Urban Service Area. Ms. Kirkman brings up a good point; if there's that loophole, we want to figure out a way to close that so that can't be used against the County in some fashion to expand the Urban Service Area and then have this new development on sewer and water, which was not the intent.

Ms. Kirkman: Well, Mr. Chair, the history on that is several attempts were made over the last couple of years to do exactly that and eliminate that loophole in the Utilities Ordinance, as you referenced it, and those efforts were unsuccessful. So, I think we should be clear that what we really are talking about is whether we call it an Urban Service Area or not. We are expanding water and sewer to those areas.

Mr. Fields: Let me ask a question, if I can, of staff, and I know this is a utilities question. And if you can't answer it, that's fine; we will get someone from Utilities whenever they're available. Is there something actually in the State Code that requires us to permit people to construct laterals from existing water and sewer lines, even if they are inside or outside the service area? Or is that simply Stafford's localized policy?

Mr. Harvey: I would have to check with the attorney's and the Utilities Department to see if they know of any prohibition or permission that's specified in State Code. From the planning perspective, the State Code says that if someone is proposing a public improvement and is not identified in your Comprehensive Plan, it has to come to the Planning Commission for what we call a 2232 review which is to determine whether it is in compliance with the Plan. So, if someone was proposing a new neighborhood that would connect to one of those restricted lines, their lines within the neighborhood would be public lines so therefore they would have to go through the 2232 review. You may recall in the late 90's we had a number of subdivisions that came through for review, especially for requests for sewer outside the Urban Service Area. And that was partly because of the ordinance requirements.

Mr. Fields: I don't mean to stop you but I understand that part. I was referring to the situation we had last year when we realized that you could construct not a neighborhood but you could run a lateral off of the public sewer line if your property was adjacent to the sewer line without a review. That was just essentially the Utilities Department giving you the okay on it. That's more what I have been concerned about with this part, both the Hartwood and the Roses, not providing sewer to already developed areas; that's really not an issue. But there are several undeveloped properties that exist in between those areas and my understanding is that while you can't build a neighborhood about it you can certainly run a water and sewer line off of the County water line; or at least that's been the impression, a lateral to one home off of that line.

Mr. Harvey: Yes, that's a private connection; it's not a public connection.

Mr. Fields: Right. Now, is that private connection... is that mandated as permitted by State Code or is that a localized ordinance that we can change or modify?

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Mrs. Roberts: I would have to double check the State Code on that.

Mr. Fields: Okay. I just want to be clear that my concern with this is not based around the idea that I think you are going to get lots of sort of accidental subdivisions, though it certainly incentivizes people to want to come in and ask for a change. But I'm satisfied that, of course, you have the review authority and you make your decisions. My concern is if you look at that on a map, there are a number of parcels that, just on an individual basis, could connect to those lines. And under our current policy there could be no review or prohibition against that. And so, de facto you are certainly incentivizing those lines. I realized, live and learn, in the George Washington District, when they built out Cannon Ridge which was already zoned and already proffered and guaranteed to have water and sewer extended to it, even though it was outside the Urban Service Area, they had to run the line along the back edge of the houses for the most technologically or engineering advantage which we looked at and at that point I said well it makes sense, it's good engineering, that's how you get the lines and those people are going to get water. Well, the minute they did that, of course, there was a creation of at least five new lots along a half mile stretch of Ringgold Road that backed up to that because suddenly those were lots that had been on septic that could now just run their own private lateral right into the sewer system. So, I've seen it happen. It happens. If you run a sewer line or a water line, but particularly a sewer line, people will connect to it by every means possible. So, I think even if we decide that collectively that this is a policy that these extra areas are something that are going to be in the Comp Plan, we have to acknowledge that under our current code, it is possible for other people, other than the people intended, to utilize that water and sewer.

Mr. Howard: Well, we will have Mrs. Roberts validate that. She will get back to us and let us know if, in fact, that is the case.

Mr. Zuraf: Okay, we've been over item number 5. Item number 6 on page 3 is there are several specific map amendments... there are about 16 map amendments and this series of maps are included in your package. There are several suggestions recommended by staff following a meeting with Mr. Howard where staff was requested to provide their comments or concerns. A lot of them deal with the issue of where you have agricultural land use recommended on areas within the Urban Service Area. And some of the other ones to point out... if you can go to the computer please... 6 d...

Ms. Kirkman: Before you get to 6 d. I have a question about 6 b. This is regarding Patawomack Park which is in my district. I don't recall hearing any discussion about expanding the Urban Service Area to include it. Could you please explain how that came into this?

Mr. Zuraf: That was staff's suggestion because the park is partially developed and there are areas where it's slated to expand. And this would bring it in line with what was done, and I believe this was done during a Board review of the Land Use Map. They went ahead and added in other parks that were adjacent to the Urban Service Area, specifically, the Musselman/Jones Park which had been identified on the previous draft as being out, and they added that in. So we saw this just to be consistent with that; it is just a suggestion.

Ms. Kirkman: Okay. And are there any projects on the CIP for Patawomack Park at this point?

Mr. Zuraf: I am not certain; I can check that out.

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Ms. Kirkman: I think that's important because I'm unaware of any identified and funded need that would require water and sewer out there. And I think it's also to get the questions answered about hook-ups because this does move water and sewer further onto the Widewater Peninsula.

Mr. Zuraf: Okay. Going to 6 d., this is one of our bigger comments. This is the phased expansion area out Courthouse Road west. The cursor is identifying the approximate location of Courthouse Road and it goes out to Shelton Shop Road in this location. Garrisonville Road up here. This is a suggestion that this is an area that the current version identifies a lot of the areas out of the Urban Service Area but then identifies Augustine North as being in the Urban Service Area and staff sees it as really being choppy as far as areas being out and in. And staff would recommend that the Commission consider going back to what... this is a version of what was suggested previously by the Commission where this kind of whole general area was identified as a ten year expansion, which would basically encompass land from Mountain View Road. That would include Augustine North and then head down to Colonial Forge, which is Augustine Central, and then just encompass all the land in this area as being in the phased expansion. Staff's suggestion then is a little different than the prior suggestion in that it recommends including the existing approved projects of Embrey Mill, Liberty Knolls and Colonial Forge as being in the Urban Service Area. And then including all the land from that point east in the Urban Service Area as those projects are already approved. So, that is one of the larger changes that is being suggested. Another change, going down to Enon Road and Centerport; most of the land west of Interstate 95 and south of the Centerport Parkway was identified as being business but being out and then this pocket of area around the interchange was in a phased ten year expansion. Staff is suggesting that the boundary basically be revised to include all this business area as in the growth area. And this was also in response to some concerns expressed by Commissioners so it is kind of staff's suggestion as to how to possibly address that and their concerns. This is that Musselman/Jones tract and some of the specific land use recommendations in that area are to designate the area around that park up to Enon Road as park land, identified as PK, down closer to Truslow Road, identify that as low density as you have larger lot residential uses in that area, the area north of Enon Road, identify that as suburban residential, and then adding this area into the Urban Service Area. On our current Transportation Plan, Mine Road is planned to be extended all the way down to Truslow, somewhere in the proximity of Plantation Boulevard and England Run North. That is one of the larger suggestions there.

Ms. Kirkman: Could you go back to, let's see, I guess it's h. and explain this.

Mr. Zuraf: This was a suggestion from Mr. Mitchell and this is actually goes along with and references the speaker earlier tonight during public presentations, Mr. Combest. The property and the area he was referencing was this area itself. This is Accokeek Creek, US Route 1, this bright red are the limits of the Courthouse Redevelopment Area and the suggestion here was to identify, instead of business in this area, identify it as just to extend the redevelopment area down to this point. This area, looking at the location of the creek and also the creeks that surround the area, including Accokeek Creek and this other tributary, it's kind of isolated really for business to work in this location and so the redevelopment area may be more appropriate. The creeks themselves serve as a good breaking point from further expansion of redevelopment area beyond that point.

Ms. Kirkman: So, we went through an extensive process and paid consultants lots of money around our redevelopment areas. At any time did any consultant or anybody from the Economic Development Department suggest that that area be in the redevelopment area?

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Mr. Harvey: Ms. Kirkman, Mr. Chairman, my discussions with Mr. Johnson regarding the redevelopments areas is that from the redevelopment plan specifically they are looking at a five to ten year time horizon. The current redevelopment area boundaries are beyond what the market absorption could be in the five or ten year horizon. When you look at a twenty year time period, which we are with this Comprehensive Plan, it may be more appropriate to look at those as full length boundaries or expand them. But there hasn't been any specific suggestion that this is not appropriate for the twenty year plan. Again, Mr. Johnson was thinking for the shorter time horizon it would not be appropriate as redevelopment area.

Ms. Kirkman: But if we put it in now that means... what's the difference. So, in a redevelopment area they can do TNDs and they can't do those in the business area. So, if this is designated as redevelopment area, that means that they could, regardless of whether it's five or ten years or twenty years, they could come in and be in compliance with the Comprehensive Plan.

Mr. Harvey: If they proposed a reclassification to a zone that complies with what we ultimately come up with for the redevelopment plans, yes.

Ms. Kirkman: So, since we amend the Comprehensive Plan every five years and since Economic Development has said this is not appropriate until twenty years out, why would we amend this now? Why wouldn't we wait until we are closer to that twenty year timeframe?

Mr. Harvey: I guess the short answer is right now, the way we structure the Comprehensive Plan, we are looking at a twenty year time horizon. We could make it a shorter time horizon if the Commission felt that that was appropriate.

Mr. Howard: I think also the callout that was made for staff, because I asked the same question, was it's really not an area where business is going to develop and thrive and why would you leave it designated as that if in the long term there is no way that is going to occur there, nor would you want it to occur on that tributary or that water. So, I'm not sure you would want to do that.

Mr. Zuraf: And these redevelopment areas are going to be like what we... just yesterday, the more specific redevelopment area plans were unveiled to the Board and that is likely what would occur in the remainder of these outlining areas in the future phases. I guess the idea is that you would have additional, more specific area plans for the remainder of these redevelopment areas that would occur ten to twenty years out into the future. You would have some sort of more specific area plan that would drive what type and intensity of development. It may not fully be high density TND everywhere across the redevelopment area.

Mr. Howard: Why don't we take another five minutes, Mr. Zuraf, and just think about some of the big things. You've done a great job pointing them out.

Mr. Zuraf: Kind of moving on now to number 7, some of the other land use maps amendment issues goes back to the joint public hearing; 7 a., the issue of the Widewater Peninsula and the concern about the entire peninsula being designated park land and the desire to or the alternative to consider amending park on the State owned land and Agricultural or Rural Residential on the privately owned land. So there was that issue that was still hanging out there. Another issue brought up by Mr. Howard, 7 b., was throwing out an idea about the Widewater Growth Area to consider some sort of higher density growth in the area around where there were previous plans for a VRE station along the rail line. So, I don't know if you want to expand on that.

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Mr. Howard: Well, it's the only natural place in Stafford that you could actually put another VRE station. I saw a plan, I guess it was a few years back, and I don't know, I'm not even sure if that plan is still around or who even did the plan. But it did seem to make sense where it was more of a mixed use type of development which took advantage of the fact that you have an additional VRE station which you would hope not only add value but certainly give Stafford County another option in terms of where you could go and take the train. Because the trains are there; the train track is there.

Ms. Kirkman: Mr. Chair, this resides in my area, my district. I am opposed to it. I am asking that it now be removed for consideration. I would like to remind the Planning Commission that the Board, in an overwhelming bipartisan vote last year, took legislative action and removed the Widewater Peninsula from the Urban Service Area.

Mr. Howard: So noted, thank you.

Mr. Mitchell: Mr. Chairman, I hear Ms. Kirkman's issue that it's her area yet less than five minutes ago she was talking about my area, which was over on page 2 h. and the Courthouse. We were asked to put things forward, we were asked to bring things that we requested, and that is what I requested and I still request it. And so if Ms. Kirkman is concerned about her area, she should not be concerned about my area.

Ms. Kirkman: Mr. Chair, just to remind the Commissioner from Aquia I made no suggestions about what should happen to that area. I did, however, ask for clarification about what the thinking was to include it in the redevelopment area. I see it as very different than making suggestions about your district.

Mr. Howard: Thank you. Mr. Zuraf, you can continue.

Mr. Zuraf: Okay, 7 c. is another big issue. We don't have the Urban Development Areas...

Ms. Kirkman: Excuse me, Mr. Chair. I had asked that this be removed.

Mr. Howard: And I noted that, thank you.

Ms. Kirkman: Mr. Chair, I make a motion to remove the suggestion that the Widewater Growth Area that they consider designation of a growth area on the Widewater Peninsula.

Mr. Fields: Second.

Mr. Howard: The motion has been seconded by Mr. Fields. Any discussion?

Mr. Mitchell: Mr. Chairman, maybe I'm misinformed. I thought tonight we were just getting a presentation. I realize there is a lot of work to be done but to sit down and pull one item and try to extricate it out of the plan, I really don't understand the scenario behind it. However, I thought we were getting a presentation from Mike and this was a general presentation probably due to the lateness of the evening. But I thought we were just doing a look-see and then, at some point, maybe at the next meeting we will be digging more and more and more into the individual specifics.

Mr. Howard: Thank you.

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Mr. Rhodes: Mr. Chairman, I would not vote to support that motion at this time. I think it's premature. Thank you Mr. Chairman.

Mr. Howard: Thank you Mr. Rhodes. Any other comments?

Ms. Kirkman: Sure. Mr. Chairman, I made the motion because this issue, within the last year there was already two public hearings and a bipartisan vote to remove that area from the Urban Service Area. It is clear that that is an inappropriate area for growth. VRE has removed that proposed train station from all of its plans. In addition, the plans you saw initially called for 6,000 residential units, eventually growing to 12,000 residential units. That requires major transportation infrastructure, water, sewer, and in addition, the Widewater Peninsula is an extremely environmentally sensitive area with steep slopes and multiple perennial creeks that feed into the Chesapeake Bay ultimately. I think it is highly inappropriate to be considering dense residential development for the Widewater area which is why I made my motion.

Mr. Howard: I appreciate your comments. Are there any other comments? Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I will not be supporting Ms. Kirkman's motion at this time. Again, I think this was more of a look-see, not let's start throwing things out.

Mr. Howard: Thank you. And I guess I will have the final say...

Mr. Fields: I just have one comment. In general, Mr. Mitchell, I would agree with you. I think there are a couple things on here that are just... because of the radical contrast between what's been generally considered the trajectory for the Widewater Peninsula and what the VRE type of development would induce, I understand that it is maybe a little bit outside the process but a slightly different case maybe than a lot of this information. But I do appreciate what you are trying to say.

Mr. Howard: Okay. And I think, just for the record, it's not in here to intend to have it occur. I think everyone was asked to send in their thoughts. It was a thought that occurred to me; I sent it in as we all did, and it's not meant to cause alarms or send people running. It seemed like a plan that, I agree, 12,000 residential units there could never work. I'm not even sure 6,000 is appropriate, by the way. I don't know what the right number is but to just automatically dismiss it without further consideration I thought would be a mistake because it's really the only point where the County would have an opportunity to... and it may not even be feasible... but it's the only point where the County would have an opportunity to add a station. And I couldn't agree with you more, Ms. Kirkman. The value from an environmental perspective of that peninsula to our County is tremendous. Though it's not on here with an intent to harm any of the environment that exists over there. I won't vote for that either because, if we are going to do that, we should just go line by line about everything and we will be here for quite a while. Which is not the intent; the intent was to show some of the bigger changes or thoughts that came in and give everybody a chance to absorb that. And that was the intent. So, unless there is any other comment, we will vote on the motion.

Ms. Kirkman: Sure. The comment I have I would suggest, Mr. Chair, to any members of the Planning Commission that perhaps before making certainly when it comes to with regard to the Widewater-Griffis District that before you make suggestions that would radically alter that landscape, I would encourage you to consult with the Commissioner from that district so that at least I would have had the

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opportunity to inform you of the constraints of that kind of development; and to remind you of the bipartisan vote on the Board to remove that area from the Urban Service Area. Thank you.

Mr. Howard: Duly noted again, thank you. So, Ms. Kirkman has a motion on the table that would remove, for lack of having a better reference, 7 b.... is that correct Ms. Kirkman?

Ms. Kirkman: That's correct.

Mr. Howard: Okay, so 7 b which is on page 5 of the memorandum dated January 20, 2010, to Stafford County Planning Commission, Memorandum to the Planning Commission. So again, that's 7 b. All those in favor of removing this from the current draft you would signify by saying aye.

Mr. Fields: Aye.

Ms. Kirkman: Aye.

Mr. Howard: All those against you would signify by saying nay.

Mr. Rhodes: Nay.

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay.

Ms. Kirkman: Mr. Chair, just a point of order. This is not removing it from the draft because we have not amended the draft in front of us. This is only removing it as a suggestion.

Mr. Rhodes: To be considered for.

Mr. Howard: While I appreciate what I think you are trying to do in terms of correcting it, it is a draft. It's a draft that we are looking at so, it could be semantics but I did reference the date of the memorandum and I did reference the page number and also the letter. Would you like to have a revote Ms. Kirkman?

Ms. Kirkman: Mr. Chair, I would like you to clarify whether this list are changes that have been made to the draft of the Comprehensive Plan or are these suggestions? Because it was put to us that these were suggestions that were made to staff, not actual changes that have been made to the draft.

Mr. Howard: These are suggestions as presented by staff to the Planning Commission which is dated today, January 20, 2010, which is what I referenced and it's on page 5.

Ms. Kirkman: Okay, I just wanted to clarify that the draft itself...

Mr. Howard: Well, it's a document that you would have if you received the package or it's probably in our notes on the internet. Does that satisfy?

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Ms. Kirkman: Yes, I just wanted to clarify that we weren't talking about the draft of the Comprehensive Plan, we were only talking about the staff report.

Mr. Rhodes: 7 b.

Mr. Howard: 7 b. So the vote was 5 to 2. It will remain in the draft.

Mr. Fields: In the report.

Mr. Howard: It's semantics. Thank you. Okay Mr. Zuraf.

Mr. Zuraf: Okay, 7 c. The Urban Development Areas; I've kind of already touched on that. That's another item that the State Code requires the County to get those Urban Development Areas designated by July 1, 2011, so that will be an effort that will have to occur if not with this process, soon after the adoption of this Comp Plan. Moving down... Chapter 4, item 7, it should be 8.

Mr. Hiron: Before we move on, and I apologize for this late hour asking this. It's a little bit of an education more than anything. 7 e and f, the parkland designations for golf courses and reservoirs; what's the background on that? Why would we designate them as park within the plan?

Mr. Zuraf: That was another request to designate private and public golf courses as parkland. Currently we have those areas are designated consistent with the underlying zoning; if it's Agricultural or R-1, that's the designation. That was a suggestion that was made.

Mr. Hiron: Okay. Any reasoning behind?

Mr. Zuraf: No specific reasoning given.

Mr. Hiron: Okay. Thanks.

Mr. Zuraf: Well, the next one, 7 f, that was a request to consider expanding any park area around the reservoirs. That was a request from Mr. Howard. You have certain park areas that are adjacent to some of our reservoirs and planned reservoirs and I guess there was a thought there to expand these park areas to cover larger areas. Also, while we're here, 7 g is another suggestion being made by staff on this one to consider maybe looking at some of the location criteria that's in the current Land Use Plan. The latest draft doesn't really carry that type of detail over which staff finds is somewhat good guidance. And one of the examples is where the Land Use Plan has specific recommendations for where automobile sales should be in the County. That kind goes into much more detail than just generally being allowed in Urban Commercial. There is language like that in our current Land Use Plan that doesn't carry over and we may want to look at some of that language as we move forward. Chapter 4, there was a request for staff to quantify the County's operating costs to provide public services per dwelling unit compared to the taxes received per dwelling unit. Staff is working on that; it is a little more work to it than we were thinking so we don't have that yet. I think we have some time to get that to you though in the next month. And then number 8 is a big issue of whether or not to include the Financial Impact Model in the Plan and we don't have a specific suggestion on that; it's just an issue that's out there.

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Mr. Fields: Quick question on Chapter 4, number 7. Again, there are two or three different trajectories that that information suggests and I am trying to get a handle on what it is that the end result of that analysis is. I mean, the suggestion to make that analysis; did staff generate that or did it come from external to staff?

Mr. Zuraf: That was from Mr. Howard.

Mr. Fields: Was there a general purpose to that?

Mr. Howard: My thoughts were, and the reason I sent this in, if we're going to increase density in certain parts of the County, would those dwelling units provide the County with enough revenue to meet the demand that it would place on the County? And not to say you wouldn't do the dwelling units, but you should know that. If that's in your plan and you are going to create all this density in a particular area or geography, we should be able to justify or quantify whether or not these units pay for themselves or they don't pay for themselves. And again, you are not going to change it because if you have a UDA, you have a UDA and there are certain dwelling units per acre or whatever the metric is, we should know as a County is that type of housing paying for itself or is that being subsidized by some other element? Or, would you ask for different types of proffers for those types of units?

Mr. Fields: While there are certainly exceptions, it's generally considered that all residential properties do not pay their own way in terms of taxes, in terms of the services. In my whole history on the issue, I have never seen anybody suggest that countywide there is any type of metric that ever comes out that houses don't cost more than they generate.

Mr. Howard: Right, and if you look at some of the mixed use dwellings that are proposed, would you change the mix also to maybe you would skew it more towards commercial versus residential because the compelling reason to do that is those residential units are not paying for themselves so if you skewed it differently in terms of the ratio, would it help sustain the County. We have to look at being fiscally responsible, so creating areas where you are just going to load in a density of people could end up costing the County a lot more than we think. I don't know; I have no idea. But we should know.

Mr. Fields: I think it's a tough one because, obviously, you get into expectations. My experience has been that there is a hard to quantify reality that more taxes people pay, the higher their expectation of service is. It was not really counter-intuitive but I think caught a lot of us off guard as the County has evolved over the last couple of decades that it used to a break-even point but at what point does a dwelling pay for its own services. Well, the problem that we've realized, of course, is that as people have more expensive dwellings and pay more taxes, they have a higher expectation of services than the people that have less expensive houses quite often. So, it's a tough metric to get at in terms of there is a reality that is real that is difficult to quantify in an equation like that. And that may be part of what staff is trying to deal with; I don't know. Certainly as long as the discussion evolves around commercial and residential development trying to equalize the burden, I think that's good. And I think that was your intent, Mr. Howard. I would caution that we would want to be very, very careful of skirting the issue of housing, preferring certain housing types or costs of housing types, over others.

Mr. Howard: It's to quantify what is the cost of that to the County period. And I don't know how you put into a mathematical equation somebody's expectations.

Mr. Fields: Oh, I know, but it's a real political pressure on what the County does.

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Mr. Howard: You don't put that into a mathematical... Go ahead Mr. Zuraf.

Mr. Zuraf: The remainder of the memo identifies the kind of the more detailed suggested changes to Chapter 5, the Existing Conditions. I won't go into any detail on any of this at this point. I will turn it back.

Mr. Howard: Great. I appreciate the work and effort that went into that. And thank you everyone that sent in the comments. And I guess the first question is was there anything sent in that was not reflected in Mr. Zuraf's comments this evening? Taking that as a no, we need to vote on that. So here's what I want to do. I want to appoint a committee of the Planning Commission to once again work with staff to take up the Comprehensive Plan and kind of move the chains, if you will, to move forward and see what we can do to meet the Board's new deadline that I am happy that they were able to see that we needed a little more time on this. So I am going to appoint Holly Hazard, Scott Hiron and Ken Mitchell to the committee. It's a committee of three of the Planning Commission. It does require public notice when the committee will meet. I will also be asking the Board of Supervisors if they will also put a committee of three together; I am not sure what the appetite is to do that or not, in the hopes that we can come to some consensus and get through this. Now these meetings are open to everyone; they are open to the public, they are open to other Commissioners and I know I attended one last year. Unfortunately it was not a quorum at that meeting so there was not a lot that took place or that I could participate in at that time. But anybody could attend and I know they were being held on Mondays, I believe. Is that right Mr. Mitchell? So, we can do that again. Jeff, did that work out for staff?

Mr. Harvey: Yes it did.

Mr. Howard: What is the length of time that we have to announce that? We can announce it at a meeting like this.

Mrs. Roberts: Three days.

Mr. Howard: Three days? Okay. And how does that get announced? Is that on the website?

Mrs. Roberts: Yes. Cathy Riddle usually takes care of the announcements, as long as we let her know.

Mr. Howard: First of all, do the three of you accept that?

Mr. Mitchell: Yes.

Mr. Hiron: Yes.

Mrs. Hazard: Yes.

Mr. Howard: Okay; willingly I am sure. So, are you inclined to get together and start working with staff? Today is Wednesday, so you couldn't meet until a week from Monday, right, because it is probably three business days. So, why don't we just put that out there, a week from Monday? What time? Jeff, what time were the meetings normally held?

Mr. Zuraf: Six or six-thirty.

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Mr. Howard: And it was Conference Room ABC or at least one of those, right?

Mr. Zuraf: Yes. Well, it was either Activities or ABC.

Mr. Mitchell: Can we go for six?

Mr. Zuraf: Six o'clock works.

Mr. Howard: Do we have to post the time and the room?

Mrs. Roberts: Yes.

Mr. Harvey: Mr. Chairman, just to clarify. If I am looking at the calendar correctly, the date would be February 1st.

Mr. Howard: Okay.

Mr. Harvey: If that's okay with the committee, we will go ahead and notify you of which room and send out a public notice on the meeting.

Mr. Howard: That would be great, thank you. Item 4 is deferred and item 5 was deferred. Is there an update on that from the Board of Supervisors, Mr. Harvey, which is the Rappahannock River Overlay?

Mr. Harvey: The Board has not had discussions about that.

Mr. Howard: Okay. We'll move into Planning Director's Report.

4. Elimination of the Preliminary Subdivision Plan Process (**Deferred for legal analysis**)
5. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, Friends of the Rappahannock and Rappahannock River Basin Commission) (Request sent to Board of Supervisors for indefinite postponement)

7:30 P.M.

PUBLIC HEARINGS

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. For the most part, my report has been completed during the normal course of business today. There are some committee appointments that I will remind the Commission that we need to make as the Board has requested them. And that concludes my report.

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Mr. Howard: Thank you Mr. Harvey. There was the Architectural Review Board, the Centerport ARB as well, Parks and Recreation Commission which is new because that was just voted on to put a Planning Commissioner...

Mr. Harvey: Right. Last year they had a Commissioner on the Parks and Rec Commission and the first meeting of this year the Board changed the complexion of the Commission to not have a Planning Commissioner or a School Board Member, but last night they changed that to include the Planning Commissioner and School Board Member; but the capacity has changed. It will be an ex-officio capacity where you could participate but not be a voting member.

Mr. Howard: Okay. And then there's the Civil War Site Committee as well.

Mr. Harvey: Yes sir. From our last meeting, staff has determined there is no set schedule for that Civil War Sites Committee meeting. The meetings are scheduled when the committee members are available.

Mr. Howard: Mr. Fields, did you indicate interest in that last time?

Mr. Fields: Civil War Sites?

Mr. Howard: Yes.

Mr. Fields: If it's relatively infrequent; if it's sort of ad hoc if needed I would try. I would be happy to do that. It would probably either be if Mr. Mitchell can't do it, it refers really to the Aquia District but I guess we both served at one time on the R-Board so I have familiarity with the properties. So, maybe we could sort of share it.

Mr. Mitchell: Why don't we share it Pete? If you can't make it, call me; I would be happy to.

Mr. Howard: So we will have a split personality on that.

Mr. Mitchell: Will that be a problem?

Mr. Harvey: Just to make sure I'm clear, we were going to have a primary and an alternate?

Mr. Howard: Yes.

Mr. Harvey: Who is the primary?

Mr. Fields: Mr. Mitchell should be the primary because it's his district, but I would be happy to be the alternate. Is that okay?

Mr. Mitchell: That will work. I will be the primary, Pete will be the alternate. If I can't make it I'll call Pete.

Mr. Howard: And does anyone have interest in the Architectural Review Board? How often does that meet Jeff?

Mr. Fields: The Centerport ARB. I'm sort of communicating with...

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Mr. Howard: There are two different ones right?

Mr. Fields: I'm still waiting to hear back from them on their meeting schedule.

Mr. Howard: Okay. Did we get Mr. Fields' name for that?

Mr. Fields: Yeah, I've got the contact information.

Mr. Harvey: Yes.

Mr. Mitchell: Mr. Chairman, I don't know if anyone else is dying to do it but I've served on the Parks and Rec Commission for four years; I will be happy to do it again. And even an ex-officio with no voting rights, I will be happy to do it again. But if there is someone just dying to get it, I will stand back.

Mr. Hirons: I would say I'm not particularly dying, but it's something I had a particular interest in.

Mr. Mitchell: I thought I would throw that on the table.

Mr. Hirons: A gentleman's agreement.

Mr. Howard: Scott Hirons. Thank you Mr. Mitchell. And then the Centerport ARB, is that...

Mr. Fields: I'm talking about the other ARB.

Mr. Howard: Oh, okay. I was hoping you were.

Mr. Harvey: The way the Centerport ARB is structured, it's based on the proffers for the Centerport...

Mr. Howard: Okay, so it's very infrequent then.

Mr. Harvey: It meets when there's a proposal for a new building to be built within the project, so depending on the submission of site plans.

Ms. Kirkman: When was the last time it met?

Mr. Harvey: It's been probably a few years ago when we had the Fed-Ex building.

Mr. Howard: Would you like that one Ms. Kirkman?

Ms. Kirkman: No.

Mr. Howard: No?

Mrs. Hazard: I'll take Centerport.

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Mr. Howard: Okay, Holly Hazard. And I think that was it. Are there any Committee Reports? Nope? Chairman's Report, all I had on my to do list was what we just did with the names of people to serve; thank you very much for doing that.

Mr. Mitchell: Mr. Chairman, I feel really faulted.

Mr. Howard: Do you have a report?

Mr. Mitchell: No sir, but they didn't even list it.

Mr. Howard: Yeah, I know. I think it was in the by-laws but we took it out.

Mr. Mitchell: But I have no report sir.

Mrs. Roberts: Well, that's okay; they skipped me and I was listed.

Mr. Howard: Alright, does anybody have any other items they wanted to cover before we adjourn? Minutes? Okay.

COUNTY ATTORNEY'S REPORT

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

October 21, 2009

Mr. Mitchell: I make a motion for the October 21st Stafford County Planning Commission meetings; I make a motion for approval.

Mr. Rhodes: Second.

Mr. Howard: Any discussion on the minutes from October 21st? Hearing none, we'll go to a vote. All those in favor say aye.

Mr. Rhodes: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Fields: Aye.

Mr. Hirons: Aye.

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Mr. Howard: Aye. Opposed?

Ms. Kirkman: I abstain.

Mr. Howard: Okay, one abstention. So it's six yes and one abstention.

Ms. Kirkman: Mr. Chair, just one point of order. Can people who were not present at the meeting vote on the minutes?

Mr. Howard: We have in the past. I know you and I were not at that meeting, but we have in the past. So, it's a great question.

Mr. Fields: Specifically the two new members.

Mr. Howard: Oh.

Ms. Kirkman: You can work it out with the Parliamentarian.

Mr. Howard: We'll find out.

Ms. Kirkman: But I do know sometimes these minutes end up in court proceedings.

Mr. Howard: That's a good point.

Mrs. Roberts: There is no rule to prevent them and they are also welcome to listen to tapes if they have any concerns.

Mr. Howard: Thank you for that clarification. And with that note, the meeting is adjourned. Thank you very much.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 10:42 p.m.

Gordon Howard, Chairman
Planning Commission