# *STAFFORD COUNTY PLANNING COMMISSION*
# *WORK SESSION MINUTES*
# *February 4, 2009*

The work session of the Stafford County Planning Commission of Wednesday, February 4, 2009, was called to order at 5:43 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

Members Present: Fields, Rhodes, Mitchell, Carlone and Kirkman

Members Absent: Di Peppe and Howard

Staff Present: Harvey, Roberts, Stinnette, Zuraf, Stepowany and Schulte

Mr. Fields: At this time because of some pending legal matters, we are going to go into closed meeting if I could hear a motion. We have official language but if there is a motion for it I can read my language. Is there a motion to go into closed session to hear advice of counsel on two upcoming matters before (inaudible).

Mrs. Carlone: I make a motion.

Mr. Rhodes: Second.

Mr. Fields: Moved by Mrs. Carlone, second by Mr. Rhodes. Here is the resolution: A resolution to authorize closed meeting. Whereas, the Planning Commission desires to consult with counsel and discuss in Closed Meeting legal advice regarding initiation of ordinances; and Whereas, pursuant to Section 2.2-3711 A.7, of the Code of Virginia, such discussion may occur in Closed Meeting; Now, Therefore, be it resolved that the Planning Commission, on this the 4th day of February, 2009, does hereby authorize discussions of the aforestated matter in Closed Meeting. All those in favor signify by saying aye.

Mr. Rhodes: Yes.

Mrs. Carlone: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. Opposed? We will move into the conference room.

The Commission was in closed session from 5:45 p.m. until 6:08 p.m.

Mr. Mitchell arrived at 6:04 p.m.

Mr. Fields: I have the language here and I would be happy to read it or if somebody wants to make a motion. Do you want to read this? Do you want to make the motion to come out of Closed Meeting, to certify the Closed Meeting?

Ms. Kirkman: I am going to make a motion to certify the actions of the Planning Commission in a Closed Meeting on February 4, 2009. Whereas, the Planning Commission has, on this the 4th day of February, 2009, adjourned into a closed meeting in accordance with a formal vote of the Planning Commission and in accordance with the provisions of the Virginia Freedom of Information Act; and Whereas, the Virginia Freedom of Information Act, as it became effective July 1, 1989, provides for certification that such Closed Meeting was conducted in conformity with the law; Now, Therefore, be it resolved that the Stafford Planning Commission does hereby certify, on this the 4th day of February, 2009, that to the best of each member's knowledge: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were

discussed in the Closed Meeting to which this certification applies; and (2) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed, or considered by the Board.

Mr. Rhodes: Second.

Mr. Fields: All those in favor of certifying signify by saying aye.

Mr. Rhodes: Yes.

Mrs. Carlone: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. Those opposed, no?

Mr. Mitchell: Mr. Chairman, I would like to abstain from the vote and my reason for abstaining is I was not present during any of the discussions so it would be unfair for me to vote that I certify what was discussed because I was not there.

Mr. Fields: Thank you Mr. Mitchell. The motion carries 4-0 with 1 abstention. Coming out of the business of the closed meeting we are going to need two motions. We have a motion on two different advertised public hearings that need to be cancelled. The one that is scheduled for this evening which has… let's see how we are going to identify this exactly.

Ms. Kirkman: R09-05.

Mr. Fields: Do I hear a motion to that effect?

Ms. Kirkman: Mr. Chair, I make a motion to cancel the public hearing on Resolution 09-05 regarding the table of uses and standards of the Zoning Ordinance which would have permitted clubs, lodges and fraternal organizations as a use permitted by a Conditional Use Permit in the B-1, Convenience Commercial, Zoning District.

Mr. Rhodes: Second.

Mr. Fields: Second by Mr. Rhodes. Any discussion? All those in favor signify by saying aye.

Mr. Rhodes: Yes.

Mrs. Carlone: Yes.

Mr. Mitchell: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. All those opposed? The motion passes 5-0.

Mr. Harvey: Mr. Chairman, just a reminder we are in work session. So for the final action you would also have to have a vote during the regular meeting.

Mr. Fields: All right.

Ms. Kirkman: Could I just get clarification on why that is?

Mr. Fields: I thought once we were in session, we were in session. I know we call these work sessions and regular meetings but I did not think there was a technical or legal prohibition against acting.

Ms. Roberts: You have two separate agendas.

Ms. Kirkman: So?

Ms. Roberts: So, the public hearing that you just cancelled was not, I do not believe, on your work session agenda.

Mr. Fields: Okay.

Ms. Kirkman: But we can vote now to cancel it so that we…

Ms. Roberts: You are voting to move it forward with the recommendation of cancelling it.

Ms. Kirkman: So, I have seen the Board in their work sessions take action. I do not understand why we need to…

Ms. Roberts: The Board does not have the two separate agendas like we do, it is my understanding.

Ms. Kirkman: Yes they do.

Ms. Roberts: We have one agenda for the 5:30 meeting and we have a separate agenda for the 7:30, and so I do not think it is appropriate to take a vote on something that is not on the agenda.

Mr. Fields: Okay. Well, we have decided to move forward and if anybody calls certainly we would hope that they can be informed.

Ms. Kirkman: During the break, if we could get a sign up just in case anybody comes.

Mr. Fields: Yes. Okay, we have a similar motion. This is identified as establishment of time limits for plans. It was on the January 21 meeting identified as work session item 4.a., Establishment of Time Limits for Plans. Is there any other identification of that that we need?

Mr. Harvey: Mr. Chairman, Ms. Schulte has the ordinance and she can refer to the code section.

Mr. Fields: She has an ordinance and it has a number now?

Ms. Schulte: It was not assigned a number.

Mr. Fields: That is what I thought. So how should we identify this because we need to cancel this public hearing as well?

Ms. Schulte: It was two sections that you discussed to make amendments to, 22-61, Technical Review Committee, and then 22-77, Review and Approval.

Mr. Fields: So the public hearing advertised for 22-61 and 22-77. So I need a motion to the effect that we are cancelling the public hearing on amendments to 22-61 and 22-77.

Ms. Kirkman: Can I just clarify, can we do that in this work session?

Mr. Fields: We are moving this to the evening session, right?

Ms. Roberts: Correct.

Ms. Kirkman: I move that we move it to the evening session.

Mrs. Carlone: Second.

Mr. Fields: Seconded by Mrs. Carlone. Any discussion? All those in favor signify by saying aye.

Mr. Rhodes: Yes.

Mrs. Carlone: Yes.

Mr. Mitchell: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. All those opposed? So we have that on this evenings' session to do right up front so that people know. (inaudible). We have had the roll call and Mr. Mitchell has been added so we now have five members present and that will probably be it for tonight. Mr. Di Peppe is very ill and Mr. Howard is in Dallas and unlikely that he will be here in time even though I am sure he has the CVS corporate jet idling on the tarmac.

3. Declarations of Disqualification

None

4. Review of Proposed Ordinances

a. Elimination of the Preliminary Subdivision Plan Process

Mr. Fields: We are back in business theoretically according to the resolution as of last night. So we are back in business so that you guys can do things, right?

Mr. Harvey: Yes. At the last point of discussion we had presentations from the Transportation Office, Stormwater engineering as well as Water and Sewer Utilities in discussion about desires for concept plans and how they felt they could work that into having it imposed with the construction plan. The next steps would be if there is any guidance from the Commission to staff as to how to proceed.

Mr. Fields: My recollection is that it seemed of the three elements, that Stormwater and Utilities seemed to have a fairly logical way of working without a preliminary subdivision plan but that Transportation seemed to have more issues with how that would work for them. Not a prohibition but they seemed to be less comfortable with it of how to resolve transportation issues without preliminary subdivision plans. Was that everybody's recollection of how that went?

Ms. Kirkman: I thought we did get to the point of where just as with the Fire Department and Utilities and Stormwater that it was not insurmountable that there was a way to stage the process.

Mr. Fields: I think so. I am just trying to have an open dialogue about what are the pros and cons because obviously it is a big step. My personal thing, and some other people may feel this way, where I sort of am with this at this point is kind of at a wait and see because there are some very serious pending legislation in the General Assembly that has to do with vesting. It has to do particularly with extending vesting way beyond its current, what I would consider extraordinarily generous parameters

that is being championed by the Home Builders of Northern Virginia. Jeff, do you have any update on that? Has it gone through CC&T or is it out yet do you know?

Mr. Harvey: I am not exactly sure of the status. I know it is still being actively discussed and localities are still showing opposition.

Mr. Fields: I assume VACO and VML are both opposing it as is the Coalition of (inaudible) Communities. I cannot imagine why they would not. Is it still in committee?

Mr. Harvey: I do not know.

Mr. Fields: You do not know if it is out of subcommittee and onto the full CC&T or not?

Mr. Harvey: I can forward to you reports from the High Growth Coalition of the status of all those types of bills.

Mr. Fields: I was just down there last week. I should have gotten more info. What do you think about that idea? There is already a compelling reason, if these things go through, if these actually get passed and signed into the law by the Governor that is sort of like one of those balance-tipping things for me. I am just speaking personally about my opinion on this. While I am a little on the fence about the wisdom of it, if they get the vesting extended another basically to be ten or fifteen years I think is what these statutes do, it starts to make me think very seriously about that. Because then, at that point, you pretty much can come in with a pretty rough plan and then have something that could become wildly anachronistic to the County without any ability for the County to effect change. I just do not see that as wise.

Ms. Kirkman: Mr. Chair, I would like to suggest that the prudent course of action be that we actually move forward on preparing what the actual proposed legislation is. Unfortunately, I think you have termed it the race to due diligence is if it becomes clear that this is going to pass, any preliminaries that are submitted with them can be already in process. I am sure if people are aware that we are looking at eliminating this I think what we will see is a flood of preliminaries in order to get that ten year vesting and we will not be able to address those in any way because it will take months to have something referred by the Board go through us and go back to the Board. That is my concern about waiting until the actual bill has been signed by the Governor and we should at least be prepared.

Mr. Fields: That is good reasoning. Anybody else?

Mrs. Carlone: Mr. Chair, I have done some talking with some of the staff and just as far as the preliminary subdivision plan, the consensus appears to be, and I feel that same way too, that we continue with the preliminary process and that be our recommendation. And we are not the ones that actually have to do the work on these until it gets to the TRC and then to us, but to go directly to the construction plan I just feel that we should keep the preliminary plan in the process.

Mr. Fields: Even to allow someone to vest a plan for ten years without any ability to change?

Mrs. Carlone: No, I do not agree on that one. I am sorry but I just feel that the staff really… could we have some comments from them please?

Mr. Fields: Let us hear what the Commissioners have to say first. Anybody else? Mr. Rhodes? Mr. Mitchell? Any thoughts on it?

Mr. Rhodes: (inaudible) …briefly along the way thus far, I have reservations on the elimination. Great staff work in looking and researching all the different issues and aspects and great questions that have come up along the way and at the end of the day I get to the point that I do not know what we are missing but I do not know whether we are smarter than every other county in the State that has that process in there. At the end of the day I just fall back to that. I am sensitive to some of the comments by the staff, I am sensitive to some of the concerns and some of the pieces to the process that it might cause some challenge for and them I just default back to the fact that I do not know how we can get by without having a preliminary subdivision plan process when every other county finds a need to retain it. So that is where I tend to keep falling back to.

Mr. Fields: Mr. Mitchell, any thoughts? I am not putting you on the spot.

Mr. Mitchell: I have never been in favor of the elimination. My fear is that the elimination would cause problems with our staff because we should have some sort of indication which way that a plan is heading and we should require certain things on that preliminary that gives us a better stance on what they are trying to do. I think if we are the only county in Virginia that potentially has attempted to do this I think it leads to a question. And I am like Mike, what are we missing. I have never been in favor of it. I think it would be a distraction to our staff and it would hurt their ability to function.

Mr. Fields: As far as the uniqueness of it, I would certainly make the argument of why other counties do not do it, that the side ordinance that we put in place we were the first county in the Commonwealth to do it. The LID Ordinance, we were the first county in the Commonwealth of Virginia to do it. Transportation impact fees we were the first county in the Commonwealth of Virginia to do it. I sort of take pride in the fact that Stafford does have a reputation statewide of being somewhat of a progress since 1664 as being willing to take the lead on it. Though I really respect people's concerns on it and there always is a legitimate concern if nobody else is doing this that does raise a flag. I guess in my experience we have sort of charged forward many times as a county in the last eight, ten years and it has always worked out in many ways. Every county has to do what it does. I mean, this is the constant battle in a Dillon rule state and a constant battle between local government organizations like VACO and the Coalition of VML and the General Assembly. Localities have to do what is right for them and there are certain things about Stafford. Counties are much the same and you do not want to get into the thing like imagining our own little empire here is wildly unique but then there are things that are unique. Certainly among the high-growth counties, the highest growth counties, the reason the three highest growth counties over the last decade or particularly a couple of decades now, Loudoun, Stafford and Spotsylvania, the reason why they were the highest growth counties was because of the enormous amount of vested zoning that they had contained in them. The counties that grew less were counties that had more authority to zone as you go, so to speak, zoned it by necessity. Loudoun grew 100 percent and we grew 50 percent when basically the next closest counties grew by, the fastest growing counties were growing at 25 percent which was still huge. So the factor was huge. Obviously, if there is no demand there is no growth. But the reason, in any place that had the demand or the pressure for growth, that we grew faster is because of the vesting zoning that could not be eliminated. So, my concern with all of this is these vested subdivision plans on three acre lots in the countryside chewing up the rural open space in what is progressively going to become a more progressively unattainable type of land use pattern. If those are vested for ten years we were already struggling with what that implies and to me if they are vested for even longer. Believe me, getting rid

of a preliminary subdivision plan is a big step and creates a world of other problems but I always keep looking at the compelling nature of the argument of what long term vested planning does for the county. Nothing about long term vesting has done Stafford any good. It has done it primarily harm in my opinion.

Ms. Kirkman: Mr. Chair, what I am going to suggest, this really is an important decision and it is similar in scope in some ways to when we were looking at the Comp Plan. I would suggest we defer this and allow our other two colleagues the opportunity to …

Mr. Fields: We will weigh in on it. I am sorry, I did not mean to go on and on about it. Everybody has their opinion, I just have a little longer winded one.

Ms. Kirkman: I would suggest we table this until our next meeting.

Mr. Fields: I think that is fine. Is that okay with everybody?

Mr. Rhodes: Yes.

Mrs. Carlone: Yes.

Mr. Mitchell: Yes.

b. Electronic Signs

Mr. Fields: Electronic signs, we are not going to work on that tonight? Mr. Nugent is tied up?

Mr. Harvey: Mr. Chairman, there has been identified a need to make changes to the ordinance that legal staff has not had an opportunity to focus on that so it will come back at a later date.

Mr. Fields: All right. We are on our way though, right?

Mr. Harvey: It is on our radar screen

Mr. Fields: Or on the sign, as it were. Or on the LCD

c. Propane Distribution Facilities

Mr. Fields: Propane distribution facilities, are we back in business on that?

Mr. Harvey: You can be.

Mr. Fields: We can be. Do we want to be back in business on that? Where were we when we last visited propane distribution facilities?

Ms. Kirkman: Perhaps the County Attorney could speak on this because this was originated as a result actually as an issue that came before the Board of Zoning Appeals and there was identified a need by staff to create some clarification in our ordinance. I do not know if you want to speak to that.

Ms. Roberts: It has been a while but Ms. Kirkman is actually absolutely correct. We had a BZA challenge regarding I think we were requesting a CUP for a facility and I understand how the BZA said no because the way our ordinance was written it really did not fall into the category we wanted to. So Ms. Kirkman and I spoke and thought it would be an easy fix with just a few text ordinance changes.

Mr. Fields: Okay. So, are we going to fix it?

Ms. Kirkman: Can staff bring it to us next time?

Mr. Fields: Jeff, you can bring a proposed change to the propane, to the ordinances?

Mr. Harvey: Sure.

Ms. Kirkman: We already have it but it is not in our packet today.

Mr. Harvey: Also Mr. Chairman, there was a request from a citizen that was asking if the Commission was wanting to get participation from people in the industry. He was willing to volunteer. Mr. Anderson of Anderson Propane. I did not know if you wanted us to contact him to participate in any discussion or how you wanted to proceed in that manner.

Ms. Kirkman: Don't we have a public hearing process?

Mr. Fields: I have not looked at the ordinance so I could not tell you. Is there something that is wildly radical in the new ordinance from the way we have been doing business?

Ms. Kirkman: No.

Mr. Fields: Does he see this as negatively affecting the interest of the propane industry?

Ms. Kirkman: The issue really was around definitions and what constitutes a public facility and making it clear. It really was not about the technical merits of explosiveness or as we have with the sign ordinance where there were sign issues about measuring things. This really was cleaning up definitions.

Mr. Fields: This cleans it up and says it is not a public facility.

Ms. Kirkman: Right and it says a conditional use permit is required to have a propane distribution facility.

Mr. Fields: The challenge to the BZA is that it is a public facility and, therefore, cannot be compelled to get a CUP. Is that correct?

Ms. Kirkman: This was months ago but I think the appeal of the determination that they needed a CUP was based on the theory that the way our ordinance was currently structured that propane distribution facilities were public facilities and, therefore, were a by-right use.

Mr. Fields: I see.

Ms. Kirkman: And I think most people would agree that when it involves hazardous materials you want the ability to evaluate each and every application on the conditions that might be needed with it.

Mr. Fields: We thought having the Masonic Lodge required having a CUP. That seems rather mild compared to a giant tank of explosive gas. I cannot imagine that that would not be a good idea.

Mr. Stepowany: Mr. Chairman, in December we had a proposed, it was in the Planning Commission package and there was a definition that it was going to be determined as a public facility utility as part of the definition and if I could get the computer please I could show how the proposed was going to be because we have access to our network. I would be happy to discuss it because I do not have a paper copy, I have an electronic copy.

Mr. Fields: Okay, as long as we can look at what we are working on. Is this a Planning Commission initiation?

Mr. Stepowany: This was for the, yes, this was for the September 17 meeting but then it was not discussed at the meeting. The definition for propane heating and fuel distribution is "a public facilities/utility which stores manufactured and natural gas in large containers and distributes the product to the customer. The facility may fill or refill enclosed portable containers of natural or manufactured gas to be sold at retail establishments. This term shall not include the sale of enclosed portable containers of natural or manufactured gas at retail establishments." And then we already have categories for with public facilities and what public facilities shall not include and generally prior to this ordinance would be generating facilities, substations, switching stations and wastewater treatment facilities which are permitted as a conditional use permit. These are exclusions for the types of public facilities that are not permitted within all the zoning districts. So we added that to every single zoning district where a public facility is permitted. Then we get to the M-1 and M-2 and we added it to the other types of public facilities that would require a Conditional Use Permit (CUP) in the M-1 and M-2 and that is how this screen looks at an M-1 public facility/utility for propane and heating fuel distribution facilities, generating facilities, substations, switching stations and wastewater treatment facilities. That is how this is being prepared and, again, we still need to discuss it some more because we never did discuss this with the Planning Commission or even back on a staff level but this is the avenue that we have gone to with this, that it is a public facility but this would make it as a CUP as a public facility only in the M-1 and M-2. And that was the latest version that was going to be sent to the Planning Commission in December. I hope that helps.

Mr. Fields: That gets us up to speed. Should we have you put that on the agenda and put the materials in the packet for the next work session?

Mr. Stepowany: Yes.

Mr. Fields: And then we will pick it up at the work session and see what we want to do with it. Sounds good. Thanks Jamie, that is good stuff.

d. Agricultural Districts Lot Yield

Mr. Fields: Agricultural Districts Lot Yield. Where are we on that front?

Ms. Kirkman: Can you pull that one up too? Just to remind us what that was about.

Mr. Stepowany: The last memo we started getting into impact of properties and how many lots would be impacted. We have not gotten into discussion because that was some of the questions that were brought up before was how would this be effective so we started doing some research on the impact. Again, this memo was not presented to the Planning Commission but if we can get the computer up, this was what was being prepared for the Planning Commission, to see how it would impact on the lots and we did not include A-2. It was asked to include A-2 properties also. That is where we left, to present the information on the total number of potential lots based on… So, what was being presented was total number of potential lots based on the proposed amendment based on total number of properties larger than 43 acres multiplied by 10 would be the county would basically lose 3,160 lots in the A-1 potentially. Then GIS did the same type of search for us in the A-2 but they only gave us properties larger than 43 acres in the A-2 because that was similar to what we asked for in the A-1, instead of like 13 acres or 15 acres. Mr. Fields asked for how many number of properties are larger than 100 acres and there is actually 107 lots larger than 100 acres for a total of 17,967 acres. There were 209 lots between 43 acres and 100 acres for 13,328 lots and that was A-1. And then in the A-2 it was the number of lots less than 100 acres but greater than 43 was 13 and the number of lots zoned A-2 larger than 100 acres there was only one. I am sorry, there were only five for 1,778 that were zoned A-2 to try to determine. So, that was the impact of the potential number of lots that would possibly be reduced by the lot yield. And that is basically where we last left it off was the discussion of the numbers.

Mr. Fields: Okay.

Mr. Stepowany: We have not gotten much farther than looking at the data and staff has not been given any direction then when we came back we could not discuss it to get further direction.

Mr. Fields: Right, understood. So I guess you guys want to go back and sort of refine these numbers?

Mr. Stepowany: We need to refine the numbers, especially for the A-2 to find out the threshold we may want to go is 15 acres as opposed to 43 acres and find out if there is any more A-2 zoned properties 15 acres or larger, between 15 acres. I did not want to go up to 100, I wanted to go more to like 40 acres as opposed to 100. So to keep it on the same equivalency of the A-1, it would be like one-third of what the A-1 is.

Mr. Fields: Okay.

Mr. Stepowany: But we would ask GIS to redo the A-2 numbers so it is probably more accurate to the impact.

Mr. Fields: Okay.

Ms. Kirkman: Jamie, I just wanted to comment that for your creation of lots in A-2 you are using a ratio of 1.2 and it seems to me when we look at this on the Comp Plan and certainly if you look at the A-2 plans that we have gotten in recently they are not getting lots of 1.2 acres out of A-2. If you look, historically those lots, because of the need for drainfields, tend to be three acres and larger. So, I really think you need to look at what is actually happening with A-2.

Mr. Stepowany: I have a construction plan of an A-2 property that all the lots are just slightly larger than one acre and they all have drainfields.

Ms. Kirkman: But is that based on a preliminary that was vested prior to the drainfield ordinances?

Mr. Stepowany: No.

Ms. Kirkman: So they are getting all of their reserves.

Mr. Fields: On one acre lots. That must be the best piece of property in all of Stafford.

Mr. Stepowany: I was just saying I will go and be consistent with the Comp Plan for the calculations.

Ms. Kirkman: Yes, that is whatever got used and I cannot remember what the factor was.

Mr. Stepowany: We were working on the A-1 and then you asked for the A-2 so the A-2 was kind of put together and GIS gave us the same numbers as they gave us for A-1 so it needs to be redone. We do have to redo the A-2 calculations.

Ms. Kirkman: I also wanted to take a little bit of issue with your statement here that neither the current Comp Plan nor the proposed Comp Plan has a goal or objective to reduce the number of potential lots. That really is at the level of specificity that we would expect to see the implementation plan. We do have very clear goals about managing growth in the agricultural area.

Mr. Stepowany: The reason why staff raised that is because it is addressed that way in Spotsylvania in their Comp Plan as to their reason for such a regulation. And staff feels that a similar statement should be addressed in our Comp Plan as the reason for having such a regulation and that is why that is just brought to your attention.

Ms. Kirkman: What I am saying, I think if you looked at our proposed Comp Plan you could find goals and policies that this would be consistent with.

Mr. Fields: All right, so we are going to bring that back to the next work session as well. Okay, that kind of clears us out on these other items. Reservoir Protection Overlay is a committee. Rappahannock River District is also a committee.

e. Reservoir Protection Overlay (Deferred to subcommittee - Archer Di Peppe, Ruth Carlone and Gail Roberts)

f. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, Friends of the Rappahannock and Rappahannock River Basin Commission)

5. <u>Review of Pending Rezoning/Conditional Use Permits</u>

None

6. <u>Review of Pending Subdivision Plans</u>

None

7. Review of Proposed Comprehensive Plan Amendments
None

8. Other Unfinished Business

2009 Calendar Year Work Plan Items

a. Implementation Plan element of the Comprehensive Plan

Mr. Fields: Mike Zuraf, they were asking last night what you were going to do now that the Comp Plan is done.

Mr. Zuraf: Here I am, one night later. Good evening Mr. Chairman and members of the Planning Commission. At your prior meeting, you worked on thinking about 2009 calendar year work plan items and one of those items was the Implementation Plan, to start thinking about that. There was a specific request to come back and provide the Planning Commission with some information so you can begin the discussion of the Implementation Plan which will be an element of the new Comprehensive Plan once that is adopted. What staff has provided is a list of all the different tasks and programs that would be required, or is envisioned, within the goals, objectives and policies of the draft Comprehensive Plan. I have gone ahead and kind of categorized the tasks into different groups, those being Comprehensive Plan elements, revising existing elements, developing and adopting additional plan elements, updating existing county ordinances. I am not going to go through and read every single task as there is a whole lot. Developing new ordinances, there are different incentive programs that are recommended, preservation efforts, maintaining and developing existing condition assessments, growth management programs and other projects in public education. So, this is kind of a starting point but within our memo we did note that some things to think about with all these different projects is how are we going to really organize and program all these tasks into some sort of logical order. Staff has mentioned the idea that should all these programs be accomplished within the next five years because, as state code requires, after five years the Comp Plan should be evaluated and revised. By that time should all these things be up and running and operational. That is something to think about, can all this get done in five years. Then think about how these different programs can be prioritized. Maybe thinking about short-, mid- and long-term projects, short-term being in the first one or two years, mid-term or long-term towards the end of the cycle, and then certain other programs would be continuous like updating certain existing documents, and then identifying time periods for these different ranges. So these are some ideas we threw out there for you to think about in this. Staff did think about and identified certain tasks that likely would be programmed into the initial short-term program, maybe things that would happen or start before or soon after the Comp Plan gets adopted. I will go through those items and that would be the Transportation Plan, and that has already started, and then the tying in of the Transportation Corridors Plan which was already discussed, the Sewer and Water Master Plan, the Subdivision Ordinance, the Zoning Ordinance, and then also the redevelopment areas. The redevelopment areas that are being evaluated right now by outside consultants, they are working on those now and we understand that those might start to take shape later on this year, so we may have those.

Mr. Fields: By those, you mean the plans for those?

Mr. Zuraf: The redevelopment plans for Boswell's Corner and Southern Gateway.

Mr. Fields: We have already outlined some sort of broad stroke plans. I know they have been having some public meetings, is this drilling down to more detail and how to implement those ideas?

Mr. Zuraf: Yes.

Mr. Fields: I do not mean to interrupt, but at this point the Planning Commission has not been… before I got on last year were you guys involved in that at all, the redevelopment areas?

Ms. Kirkman: No.

Mr. Fields: The Planning Commission was not involved?

Mrs. Carlone: We went to some of those meetings but it was so preliminary that it was not meaningful.

Mr. Harvey: I believe Mr. Di Peppe is or had been the Commission Representative on the subcommittee that the Board established for redevelopment.

Ms. Kirkman: That subcommittee has not been meeting, has it?

Mr. Harvey: They have met twice that I recall. I am not sure when their next scheduled meeting is.

Mr. Fields: I remember I attended a couple meetings when I was on the Board about the first round of those. Same group involved? Same consultants?

Mr. Zuraf: CMSS is the group that is heading that up. It is my understanding that, and correct me if I am wrong Jeff, but I understand that the results of their work will then come to the Planning Commission and go through and actually will be proposed as an element of the Comp Plan.

Mr. Fields: Would it be reasonable to request that we get, at somebody's convenience but pretty soon, just an update from them? What are they thinking, what are they doing, what can we offer, what sort of things.

Mr. Harvey: Mr. Johnson, the Redevelopment Administrator, has been asking when does the Commission want him to come forward. Right now they are shooting for having documents wrapped up in the summertime, so at that point in time they will ultimately, like Mike said, come back to the Commission, the Commission would look at the documents, make modifications, make revisions, and get it to the point of going forward as a separate area study or element of the plan.

Mr. Fields: I think a preliminary dialogue would be helpful.

Mrs. Carlone: I think you are right. We need to be kept up and not wait until the final document. And I do not know if that responsibility is with the committee that Arch is on or what, but we would like, as it goes along, to see how it is handled.

Mr. Fields: Is it all right with the Commission we get an update on that at their earliest convenience at the next work session?

Mr. Harvey: I will check with Mr. Johnson. I am pretty certain he will be available for your next work session.

Mr. Fields: That would be good.

Ms. Kirkman: And I think when we get that presentation, I know what I will be interested in getting because I went to the one for Boswell's Corner and it was all pretty loosy-goosy, it was not clear to me what the product is that we are going to be getting. And I was quite concerned to hear, for instance, that they did not see it in their purview as coming out with design standards for the redevelopment area. And I thought part of the reason why we were paying $1 million to the consultant was to do some of the highly technical work which is what I think of when I think of design standards. So I am a little concerned about certainly what I saw at the meeting, so when Mr. Johnson does his presentation I would like to know more about what the end product is going to be.

Mr. Zuraf: Okay, I will pass that along. At this point I will turn it back to you and see if the Commission has any input as to suggested priorities. Staff can definitely go back and work on further prioritizing tasks and maybe coming back with some sort of bar graphs that might show timelines for trying to work on these different efforts over the next several years.

Ms. Kirkman: Mr. Chair, I have a question. But what you have in front of us is not the Implementation Plan, this is like broad work areas which is very different than the Implementation Plan.

Mr. Zuraf: This is just the very start of broadly looking at what tasks would go into this and yes, we are going to have to get into more detail.

Ms. Kirkman: Because in the Comp Plan committee we talked about, and then when it came before the Board, that the Implementation Plan was where we were going to get very specific on what each of these policies look like. And, in fact, there needs to be at least one implementation task for each policy. If this is the beginning germination of an Implementation Plan, I would suggest it probably really needs to be in a table format so that we see what the policy is and then the specific implementation step for that policy.

Mr. Zuraf: Okay.

Ms. Kirkman: Because as you will recall, in the interest of moving the Comp Plan forward, we decided to hold on that very detailed piece because it was clear that would take a good couple of months' worth of work to put together. So I just wanted to clarify these are broad work areas and not the Implementation Plan itself.

Mr. Zuraf: No, definitely not. I just try to, in listing out these different tasks, I do try to tie it back to the policies but, of course, do not list them out one by one. And it will get more detailed in the Implementation Plan.

Ms. Kirkman: And like I said, we need an implementation task for each policy.

Mr. Fields: I know we talked before, the Transportation Plan is now waiting the final version of the Comprehensive Plan to establish the final land use comp plan so that you can do the calculations, so

that is waiting. What do we need to do? I know we are waiting here, I am scanning through things that have the word complete or continue as opposed to initiate to look at things that are short-term. We have the complete level of service standards. Where are we? What needs to be done with that to complete that?

Mr. Zuraf: That was placed in the Comp Plan draft document and I think it covered most elements of public facilities.

Mr. Fields: Do you feel it is pretty complete at this point?

Mr. Zuraf: Well, no. There is still a little bit more fine-tuning that needs to be done to it. But it does provide specific service standards.

Mr. Fields: I know what it does but I am just asking by complete what do you mean? Where are we to complete it? Would that be something that we want to take on as a short-term thing because it is in-process and needs to be finished versus something that needs to be started from scratch?

Ms. Kirkman: I cannot remember all of what it was, and part of it was not just levels of service, it was the Public Facilities Plan, and I remember part of the discussion, for instance, was we do not have any location criteria. There was some very specific technical staff that was actually much more staff-based work I think than Commission-based work.

Mr. Zuraf: A lot of it was going to different departments that deal with the different facilities and gathering up as much of their standards as possible, but I think we need to continue to work with them to make sure that the data is accurate and then apply that to public facilities. That document really is, there is discussion of it in the plan but it really has not begun in the public facility plan element portion of this, which is the logical continuation of the level of service standards.

Mr. Fields: We have a revised Subdivision Ordinance. That is a very broad thing. What is step one on that?

Mr. Zuraf: At the last meeting the Planning Commission requested staff to come back with a status and that was requested for a future meeting.

Mr. Fields: So that is where we are with that?

Mr. Zuraf: Yes.

Mr. Fields: Okay, just making sure we are under way and we are making some tangible rather than rather broad statements.

Mr. Harvey: I intend on getting it to you at your next meeting. I have to work closely with legal staff on trying to outline the steps and the process. I have an idea in my mind but I want to get more details from them because I know they have a significant work load. And our Subdivision Ordinance was created in 1984 and it has not been comprehensively redone so there is probably a lot of issues that need to be addressed as far as consistency with state code.

Mr. Fields: Okay. Do we feel the Subdivision Ordinance revisions that will move from staff to the whole Commission or do we need a subcommittee to work through that between the staff and the Commission? Or can we just bring it to the work sessions as a whole? Any thoughts on that?

Ms. Kirkman: Mr. Chair, based on some of the discussions I have had recently with our County Attorney's office, what I would like to suggest is a way to at least think about approaching the revision of the Subdivision Ordinance is by starting with the State Code. And I think these are the discussions that we had is there are mandatory provisions in the State Code and then there are optional provisions. There are parts of the State Code that very clearly specify what needs to be done and then there are parts of the State Code that give broad latitude to the localities about what needs to be done. One of the things that seems to get us in a lot of legal trouble is when we have inconsistencies between our local, both within the local ordinance, but between the local ordinance and the State Code. And so it seems to me that I would encourage staff as a place to start is literally that we look at the State Code as the foundation and put together all the provisions of the State Code and identify those areas where there is flexibility. That is where the part that the Planning Commission needs to be working on is the areas where there is flexibility or optional provisions for the locality.

Mr. Fields: Okay.

Ms. Kirkman: So, for instance, like around subdividing land, there is very broad flexibility there. The language is you come up with a process for subdivision of land, it has some specifications but not everything is laid out. I just feel like we need to base it on the State Code and move from there rather than taking our existing code and trying to fix it would be my thought but maybe the attorney's office has…

Mr. Fields: Okay. At the next meeting or so, and I understand it is a lot of work to do, but you are working on bringing back something to us to start looking at?

Mr. Harvey: The timeline and the process on how to work that out.

Mr. Fields: Sounds good. Do you need from us tonight an attempt to prioritize all of this stuff?

Mr. Zuraf: No, I think if you have any ideas, if you want to email them to me.

Mr. Fields: Okay. You said the Dam Break Inundation Overlay Zones is something that actually has some compelling necessity. Did we talk about that last time?

Mr. Harvey: Yes, I believe the state code says that we are supposed to have local ordinances established by July 1. There has been some discussion about at the state level maybe holding off on some of those types of ordinances for local implementation due to the acknowledged budgetary constraints everybody is dealing with but I have not heard any specifics.

Ms. Kirkman: I guess one of the things that would be helpful is to get this list back but to get highlighted what is under the purview of the Planning Commission because many of these things cannot be handled. We do not have the statutory authority to do many of these things.

Mr. Fields: Also, let me ask another question in terms of potential deadlines and time limits. Are there any of the environmental things mentioned here, any things that we need to do or have not addressed

yet relative to the Chesapeake Bay Act and certain deadlines regarding their implementation, tributary strategies and stuff like that? Are we pretty much up to speed on all of that kind of work?

Mr. Harvey: We are currently certified for Phase 2. They have not implemented Phase 3 yet and it has been discussed that Phase 3 implementation will be delayed. There may be some adjustments that we will have to do to our plans based on Phase 3 implementation.

Mr. Fields: Phase 3 is what is due by next year, right? 2010? Is that the deadline? Theoretical 2010 deadline?

Mr. Harvey: I am not certain exactly if that was the last step in meeting that requirement.

Mr. Fields: Nobody is going to meet any of those goals by 2010, right? We will not even come close.

Mr. Harvey: I understand it is not on target.

Mr. Fields: I do not think anybody is. But we are trying. My recollection of that from the River Basin Commission is nobody expects the articulated goals are going to be met but the idea is that the effort will be counted in terms of how severe the federal government may come back and allow us more time to work through it or start imposing federal standards. Is that still part of the debate? I am not trying to put you on the spot.

Mr. Harvey: I have not been involved in all those discussions but I imagine that is probably the thought process, will we be granted another extension. If not, what are the ramifications and what will we have to do because ultimately these things have to be dealt with at the state level partly through the General Assembly and also the Bay Board.

Mr. Fields: There are a lot of overlays there. I am just trying to think of things I know off the top of my head that have some sort of a deadline and I am just trying to make sure we get those taken care of.

Ms. Kirkman: One other thing, Mr. Fields. You may recall when you were in the Board, in 2005 the Board adopted a groundwater management policy but they never did step 2 which was the ordinance to make that policy happen. Does the groundwater management policy fall within the Zoning or Subdivision Ordinances, or can it so we can get that going? The thing has practically been written. I think it is the Arden Report.

Mr. Fields: Draper Aden.

Ms. Kirkman: Draper Aden, that's it. They practically wrote the ordinance.

Mr. Fields: Yes, it was pretty complete. It was really kind of ready to go.

Ms. Kirkman: What needs to happen to get that done?

Mr. Harvey: We would need to look at Subdivision and Zoning Ordinances because it anticipated with subdivisions that were outside of the Urban Service Area (USA) they would have to drill multiple wells up front, do pump tests and those types of things as part of their subdivision review process. Also, there are requirements in the Zoning Ordinance for the act for recharge area and how the

developments should interact with reserving open areas and allowing groundwater recharge. The Board adopted a policy of having high level standards which included dealing with issues that required us to have a hydra geologist on staff and those types of things and then the next budget year none of that went through.

Mr. Fields: Maybe we could get a review on if there are some things that the Planning Commission should be doing to move that along or the Planning Commission in concert with the Board of Supervisors, maybe in our monthly meetings or weekly meetings.

Ms. Kirkman: It is four years overdue.

Mr. Zuraf: It does sound like a lot of those suggestions could fall right into the Zoning and Subdivision Ordinance rewrite as it is done on the whole comprehensive level.

Ms. Kirkman: Except we are not going to get to the Zoning Ordinance rewrite for years so we should go ahead and get started on groundwater management now. And along those lines, again this is coming up because of some legal issues, it is my understanding that staff has already combed through the Zoning Ordinance about what technical fixes are needed. Is that correct?

Mr. Harvey: We have been working on that somewhat behind the scenes in anticipation of when the Comp Plan was approved then we would present that to the Commission and also work with the Commission on major changes in the land use categories and those types of things that the Commission felt necessary to move things forward. We have been trying to identify problems we have seen in the ordinance and fixes we need to do like make our definitions much more expansive and detailed, those types of things.

Mr. Fields: Okay, we are hitting up against our seven o'clock here, so everybody has some ideas and we will try to email Mike some things. I think if anything else pops out I am sure you guys will let us know. And if I can think of anything or any Commissioner thinks of anything obviously we want to try to get these things. But it sounds like we have a place to get going and a place to get started. Do you need anymore direction from us tonight?

Mr. Zuraf: I think we are good.

Mr. Fields: Let us pick up our minutes approval real quick and then we can break. Item number 9, I look for a motion for approval of September 3 Work Session, September 17 Work Session and January 7 Work Session minutes.

9. <u>Approval of Minutes</u>

September 3, 2008 Work Session

September 17, 2008 Work Session

January 7, 2009 Work Session

Mr. Mitchell: Motion for approval.

Mr. Fields: Moved by Mr. Mitchell.

Mr. Rhodes: Second.

Mr. Fields: Second by Mr. Rhodes. Discussion?

Ms. Kirkman: Mr. Chair, I am going to abstain from voting on the September minutes. That has been too long ago for me to recollect whether or not they are accurate.

Mr. Fields: Okay. Any other discussion? Those in favor of approval of those minutes signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. The motion passes 4 with one abstention.

10. Adjournment

With no further business to discuss, the meeting was adjourned at 7:02 p.m.

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Peter Fields, Chairman
Planning Commission

# *STAFFORD COUNTY PLANNING COMMISSION MINUTES*
# *February 4, 2009*

The regular meeting of the Stafford County Planning Commission of Wednesday, February 4, 2009, was called to order at 7:35 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the Stafford County Administration Center.

MEMBERS PRESENT: Fields, Mitchell, Rhodes, Carlone, and Kirkman

MEMBERS ABSENT: Di Peppe and Howard

STAFF PRESENT: Harvey, Roberts, Stinnette and Schulte

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

Mr. Fields: To make sure everybody understands, I see a couple people here, the public hearing scheduled for tonight which would consider permitting clubs, lodges and fraternal organizations in the B-2, Convenience Commercial Zoning District by conditional use permit has been cancelled. We are doing that basically on the advice of counsel in reference to interaction with a number of future pending legal issues. However, we do have the time for Public Presentations and while we are not acting on this matter tonight in any way, shape or form, if you came to speak on any issue you are certainly welcome to do so. And, though inclusively we exclude public hearings from this time, if you came to speak on that issue and simply wish to express your opinion on the issue even though we are not taking action on it tonight you are certainly welcome to do so. Is there anybody at this time that wishes to speak to the Planning Commission?

Chris O'Loughlin: What I am going to say tonight, to keep it under three minutes I am actually going to read what I have to say. As you know, I have been sitting here and watching these meetings for approximately a year. As a citizen, I normally would have stood before you and voiced my concerns long ago. But out of deference to those I know in the Planning and Zoning Department I have held off until now. I believe there are some things that need to be addressed and it is likely that what I say will step on some toes. That is not my intent but could be a by-product of what I say. Previous to my move back to Virginia I served on a Board of Education for eight years and a Planning Commission for six, two of those as its Chair. It is those experiences that have given me some insight into what is happening with Stafford in this time of financial instability. Right now cuts to employees are happening across the board in Stafford. As an example, in the Planning Department the administrative staff has been cut and is working at 70 percent capacity. Some Commissioners have voiced concerns about the time it takes staff to have minutes ready for the Commission. But when 70 percent of the work force is doing 100 percent of the work, the time in which the minutes are being completed should be expected. Especially when you take into account that minutes are only a portion of what the staff does. In addition, these minutes must be transcribed almost verbatim. It is harder as Commissioners ask numerous questions that could be asked and answered by staff before the meeting. It is also a hindrance with Commissioners spending long periods of time on matters that are not on the table. All of those conversations must also be transcribed. I know that discussions and questions are necessary to the process but not to the extent I have witnessed. The reason that this is pertinent is that part of the financial obligation of the Commissioners is to keep costs down, especially in this financial environment. Lastly, as employees are let go due to the financial crunch that Stafford faces, Commissioners and Supervisors are eating dinners that are paid for by the County at the rate of about

$2,000 per year for the Commissioners and even more for the Supervisors. I do not understand how this can be viewed as fiscally responsible to the County or its citizens. I realize that in the financial state the County is in, there needs to be a tightening of the belt. Having sat where you are, I believe the Commissioners and their counterparts on the Board should lead and be an example, at least in the way they handle their fiduciary responsibilities. There is much more I could and would like to say but I am limited to 3 minutes this evening and I thank you for your time.

Mr. Fields: Anyone else?

David Weaver: I am Trustee for the Frank P. Moncure Masonic Lodge. I do not know if everyone is up to speed but this all came about because we could not build a building on Route 1. We purchased property on Courthouse Road. We made sure with Planning and Zoning upstairs that we could use this building, received two phone calls that we could use it for our use from that office and decided we are down here using it, we have a lot of 80 year old and 70 year old members and we need to put a handicap ramp to come up to ADA standards. We apply for a permit, building gives us a permit and Planning and Zoning will not sign off. All of a sudden there is a red flag that we cannot use this building. I do not know how we got classified as a fraternity or a club or whatever. We basically meet there two or three times a month, conduct business behind closed doors in private so that we can pick our charities and our organizations that we want to support, we have dinner beforehand and then we dismiss. We have no booze, no gambling, none of that stuff, no 50/50s, no lotteries, none of that stuff is allowed at a Masonic Temple. I do not know where we fall in with any other of the fraternities like the Moose Lodges, the Elk Lodges and stuff like that. We are basically a private business organization that is open but when we conduct business it is in closed chambers. If you do not want to go with a by-right or conditional use or whatever it is that we need to use the building as the administration said upstairs that we could, then maybe it would be up to the Commission here to reclassify us so that we can use it. Thank you.

Mr. Fields: Anyone else that would like to speak on any topic? With that I will close the Public Presentation. Like I said, item number 1 public hearing has been cancelled so we will move right on to unfinished business which is item number 2. We have the amendment that we have already had a public hearing on to the Zoning Ordinance that permits clubs, lodges and fraternal organizations as a by-right use in B-1, Convenience Commercial, Zoning District. Does staff have anything to present at this point?

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance – Amendment to Section 28-35, Table of uses and standards, of the Zoning Ordinance, pursuant to O09-05. The amendment will permit clubs/lodges/fraternal organizations as a use permitted by conditional use permit in the B-1, Convenience Commercial, Zoning District. **(Time Limit: None)**

**CANCELLED**

UNFINISHED BUSINESS:

2. Amendment to Zoning Ordinance - Amendment to Section 28-35, Table of uses and standards, of the Zoning Ordinance, pursuant to O09-04. The amendment will permit clubs/lodges/fraternal organizations as uses by-right in the B-1, Convenience Commercial, Zoning District. **(Time Limit: February 4, 2009) (History - Deferred at January 7, 2009 Regular Meeting to February 4, 2009 Regular Meeting)**

Mr. Harvey: Mr. Chairman, the Planning Commission has had their public hearing and it was deferred for further consideration. It is, I guess, back to the Commission for your deliberation and action.

Mr. Fields: Certainly. Are there any questions from the Commissioners, technical questions for clarification to the staff from the Commissioners? Hearing none, I will entertain a motion. We are on the time limit so we need a motion to either recommend approval or recommend denial of this item.

Mrs. Carlone: I would like to recommend denial.

Ms. Kirkman: I will second.

Mr. Fields: Second by Ms. Kirkman. There is a motion on the floor. Discussion?

Mrs. Carlone: The reason for my request for denial is we need some type of ability to request certain items and in the definition in all of our booklets that we receive for one, clubs, lodges and fraternal organizations within the clubs are also special interest organizations and it states such as gun clubs, motorcycle clubs, etc. Now, the B-1 is also close to the residential and this is one of the reasons. I think we need to continue with some type of ability to request some changes or considerations when they come in. Using a CUP will give us that ability to do so.

Mr. Fields: Your motion is for denial. Is your motion for denial with a recommendation that the conditional use permit be considered as an alternative?

Mrs. Carlone: Yes.

Mr. Fields: Does the seconder agree to that?

Ms. Kirkman: Yes. But to modify it that if the Board wishes, because I think there are real questions about whether or not this use should be allowed period in B-1, but if the Board feels that it absolutely must be allowed in this land use area that it be done through a conditional use permit rather than by-right. So however you phrase that. But I will say that I seconded the motion and I am particularly concerned that, unfortunately, our definition of club and fraternal organization does include entities such as gun clubs, motorcycle clubs, lodges that do serve alcohol and a lot of the B-1 is actually located in some of the more rural areas where there are agricultural properties surround it and residential properties around it and clearly there could be a conflict between a gun club and an adjacent house for instance. That is really not an appropriate by-right use. So that is why I seconded the motion. I would encourage the Board that if they feel compelled to have this in B-1 that they do it through a conditional use permit process so that they can impose conditions. I would say I also think that it is really not appropriate to enact legislation for land use around one specific situation that we really need to be thinking about more broadly what is happening. And certainly if folks feel they have been improperly classified a club that there is a process that you can go through to make sure that the Zoning Administrator has your organization and your use appropriately classified. So I am sure Planning can get with them on that.

Mr. Mitchell: Mr. Chairman, I make a substitute motion for approval of the ordinance.

Mr. Fields: Substitute motion to approve. Is there a second? The motion unfortunately dies for lack of a second at this point. Mr. Mitchell, since your substitute motion did not succeed, did you have a discussion? You obviously disagreed with the motion on the floor so I am assuming since your motion did not succeed I would want you to be afforded the chance to state your case.

Mr. Mitchell: Right, my case is that I feel that it would be for the betterment of the community to have this organization in a B-1 area. I cannot think of an area that would be more appropriate. Generally, it

is on the main highway, it could be utilized because they do a lot of philanthropic good, they help a lot of people, they support a number of groups. If you go very deep, I do not want to go specifically into it, but I know that the higher groups, the Shriners and groups like that, support crippled children, support burns hospitals. This is a very special organization that I think that would benefit the county to be here and to be active here and be supporting here.

Mr. Rhodes: I agree with Mr. Mitchell fully and certainly hopefully we can come to a means that can satisfy their requirements. We do have to certainly be careful that while we fix a single instance we do not complicate matters on a larger sense. While I agree with his sentiments I think we probably need to find a better approach to try and rectify the challenge that they face and rightfully do so. Thank you Mr. Chairman.

Mr. Fields: I would agree with Mr. Rhodes on we are highly sympathetic to the needs and the function and the value to the community of the Masonic Lodge. I think it is unfortunate that there seems to be what is before us, and I just want to be clear that everyone understands what is before us is permitting any club, any lodge, any fraternal organization of any kind whatsoever under any circumstances in the B-1 district without any chance of the community especially to weigh in on how they feel about the reaction. And I doubt if we were having a question about allowing the one specific Masonic Lodge on this one specific property that there would be any particular controversy over it. However, that is not really the question before us. The question before us is any club, lodge or fraternal organization on any piece of B-1 anywhere in the county anytime. And that is, of course, a very different matter. I would hope that we can work creatively to address the issue which is a very real and compelling issue the Masonic Lodge faces. But unfortunately I do not feel that this is the way to do it. However, again, this is our opinion, this is our recommendation and certainly the Board of Supervisors will decide in its finality. So, your quest is not over yet. But hopefully Planning can find a way to… as always, I have always felt that figuring out a way to create, no matter what decision you make on a broad picture planning-wise, there will always be one person or two people or a handful of people that seem to be disadvantaged. And the key is not to change the broad law for that but to simply find a way of providing relief for those that may feel themselves unfairly affected. Any more discussion?

Mrs. Carlone: Just I recognize what the different organizations do, the good they do, but because this is the way it is presented it goes way beyond charitable. I hope that something can be worked out with zoning for you. That is it, just the broad interpretation.

Mr. Fields: If there is no further discussion, all those in favor of the recommendation of denial signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes:

Mr. Fields: Yes. All those opposed?

Mr. Mitchell: No.

Mr. Fields: The motion passes 4-1. The recommendation to the Board, just to be clear what we voted on, was we recommend to deny allowing them to be by-right but we strongly suggest that they

consider an alternative of allowing these with, if they think that they should be allowed in B-1, they should require a conditional use permit.

Ms. Kirkman: We are not recommending that they be allowed in B-1 but we are saying if the Board feels compelled to do that.

Mr. Fields: Compelled to do that they should be allowed a conditional use permit. I agree. With that we are done with that item.

Ms. Kirkman: And if Planning could just, I mean we were talking earlier about revisions of the Zoning Ordinance, that might be one of the definitions we need to look at because in lumping a gun club and a Masonic Lodge together in the same definition does not seem to….

Mr. Fields: We thank you for taking the time to be here tonight. We are sorry that the public hearing but we certainly hope you were afforded your moment to speak and understand that we have cleared up any questions you might have. No new business, so Planning Director's report?

NEW BUSINESS

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. At the Board's meeting on January 22nd , they passed two resolutions regarding ordinance amendments to the Planning Commission dealing with buildable area. One is to repeal an existing ordinance that was done as an amendment to the Subdivision Ordinance, and also (2) to initiate a zoning text amendment. In doing so, the Board directed the Commission to proceed with advertising of those public hearings. I will get more details about public hearing advertisements in a minute. At their meeting last night, the Board adopted a new resolution dealing with its interaction with the Planning Commission and I have provided a copy of Resolution R09-93 at your desk. Basically, it repeals the previous process with regard to zoning text amendments and now the Commission is free to work on zoning text amendments and prepare them with staff assistance. The resolution also provides guidelines for interaction between the Commission and the Board Chairs and Vice-Chairs and talks about a communication plan. Also staff will be providing you monthly with a listing of expenditures for the Commission is to now develop its own public notice budget. Along those lines, in your packet you were given a state of the overall lines and what was available. I am going to hand out an estimate of what we think may be necessary to handle the difference between what is available in your funds and the rest of the year. As it is going down the list, I will generally tell you that if you look at the initial estimate for the building area ordinance it will only leave you with approximately $110 left in your public notice area for the rest of the fiscal year. Your public notice funds cover ordinance amendments, it covers rezoning and conditional use permit applications and a wide variety of applications, and anything you advertise, the Comprehensive Plan and such. You will see in the next to the far right column we developed initial projections on what costs you may incur. We have identified $10,000 for additional public notification. That is assuming the public notice for every Planning Commission meeting would be approximately $500 and twice a month, that is $1,000 a month for the five remaining months. That is how we got that number. That is assuming that you have normal business that does not entail a large notification to affected property owners. We included $5,000 in postage that might be a bit high depending upon what the notices are. As in the case of rezonings or conditional use permits we are required to send out notice to abutting property owners so we have kind of lumped that copying and letter costs in with the postage. Overall, staff is estimating

that if you follow the normal course of business, the Commission will need to request from the Board an additional almost $15,000.

Ms. Kirkman: In these items, this includes if there is a rezoning application and it includes the postage for that?

Mr. Harvey: Yes.

Ms. Kirkman: It does seem like there is a difference between that kind of postage and postage for ordinances. We have no control if we get twenty rezoning applications. The law is we have to do that.

Mr. Harvey: That is the problem with budgeting public notifications because we do not know what the cost is going to be and we have to take a swag at it because we do not know the number of applications, we do not know unless you have a discreet defined work plan what ordinances ties and what level of notice is going to be required for that. As we have seen over the years, the requirements to pass legal muster has made it so the ads are significantly more extensive and more costly. So that is one of the things that is difficult to put your hands around directly when you are coming up with a budget. These numbers that I put in here also do not include if we have to have another public hearing on the Comprehensive Plan. If the Board makes major revisions and directs the Commission to make changes then we have to re-advertise and that could be significant as well.

Ms. Kirkman: The $500 per meeting per public notice, are you talking where the agenda is published?

Mr. Harvey: I was just referring to our typical three or four public hearings you might have posted in the newspaper, not the agenda. It is just the public hearing notification.

Ms. Kirkman: Based on my recent experience it seems a little high for routine notices because the ad we ran was $140-some for two times. So I am not sure what the discrepancy in the cost is.

Mr. Harvey: Well, it is one of those factors again that is kind of hard to gauge because it depends on how many public hearing notices you are going to do, how extensive or how long the ad is, because we pay by the column inch. Again, this is staffs' attempt to take a swag for the Planning Commission and its request to the Board as far as additional funds for the rest of the fiscal year and also with the Board's resolution we will have to discuss fiscal year 2010. The County Administrator is planning on presenting his budget to the Board in March so if we are attempting to put it in with that process we will have to do it fairly quickly. In looking at what we initially budgeted this year and what we anticipated based on the staff's guess, for the rest of the year I would suggest a request of around $32,000 for next year.

Mr. Fields: As just the advertising budget?

Mr. Harvey: Yes.

Mr. Fields: Of course, this just sort of got set in motion last night, and when they say budget of the Planning Commission, does that mean we come up with our entire budget? Meaning we present our salaries, our advertising expenses, our meals, everything that is related to the actual Planning Commission meetings, all of that as a comprehensive budget? That is sort of the sense that I thought we were talking about.

Mr. Harvey: The resolution is limited to public notification. From the staff's perspective, we would look at the stipend that the Commission gets and certification as fixed costs because those are set by ordinance and they have to be done because it is the law.

Mr. Fields: Okay. I just wanted to make sure because if we are embracing this idea of doing our own budget I have no problem with embracing that idea. That is what people want to do that we just present our whole cost as the Planning Commission. I know the controversy is in the language that centers around the advertising budget. Certainly I understand peoples' concern. If you have to advertise something you have to advertise something. The law compels us to do that as an administrative function.

Mrs. Carlone: I have a question also. I know that we advertise in the newspapers because of the distribution. A certain newspaper has a greater distribution and another one has a lesser distribution but has the county looked into the other newspaper? I am trying not to name it.

Ms. Roberts: We have, actually a couple times and we revisited it when this issue was coming up and they just do not have circulation in the entire county.

Mrs. Carlone: I was just thinking the costs. I am thinking if we had Stafford Extra I think the cost is less in that and then the other paper, even though they might not have the distribution, you are saying there are portions of Stafford that the other paper there might be less would not reach?

Ms. Roberts: Correct. I will point out that there is currently a bill before the Assembly that will change the notice requirements and actually give us more options. And I should have brought it with me but that might save some money too, if it passes.

Mr. Fields: Certainly you have heard me say the owners' notification requirements that exist were partially designed as a development log industry crafted bill to have a chilling effect on land use ordinances which they are doing in these hard times, which is so unfortunate I cannot even begin to say. What action item do we need to take out of this concept here? We need to recommend that we at least request $32,000, at least have that number put in the budget? That was your guess?

Mr. Harvey: That was my guess for the 2010 budget and then I guess the Commission needs to determine what you think would be appropriate to request the Board for the remainder of this fiscal year because the way staff is viewing the Boards' action with the buildable area, that those funds are encumbered so again that leaves you with $110 left. So, basically, unless the Board gives you more money there is no public hearings.

Mr. Fields: According to this policy I think the reality would be if we advertise a public hearing it has to be executed. That is another battle to fight I guess obviously.

Mr. Harvey: Yes, it will have to be sorted out.

Ms. Kirkman: I would prefer us not to have to go to court on that one but I guess I think we should, at least, in the spirit of cooperation and working together, figure out what it is we need and ask the Board for it.

Mr. Fields: That is what I would like to do.

Ms. Kirkman: And what I would suggest is that the Planning Commission authorize the Chair to continue to work with the Planning Director on this to finalize what the numbers need to look like for this year and next.

Mr. Fields: Okay, that is fine with me. Is that okay with everybody else? Okay. So we need to refine the numbers for the remainder of '09 and then develop '10 which needs to be in, you said, by the end of this week?

Mr. Harvey: For fiscal year '09 I understand by next Friday at the latest. Excuse me, fiscal year '10.

Ms. Kirkman: Friday two days from now or Friday a week from Friday?

Mr. Harvey: A week.

Mrs. Carlone: Can I ask a question? This is a slower time right now, or it appears to be as far as notification requirements. Looking at past fiscal years, how has it looked as far as projecting for 2010? It is hard to tell. This is impossible to come up with something real close.

Mr. Harvey: In past fiscal years expenditures were higher than what was budgeted this fiscal year. The trend has been going up for a lot of factors, like I said, with the requirements to have more detailed advertisements. Also the requirement to provide notice anytime you are doing a zoning text amendment that could affect density or intensity so throughout the years the costs have been going up. With the last several years in having to reduce budgets and reduce budgets, it has been getting harder and harder to try to deal with those issues.

Ms. Kirkman: In previous years, had you budgeted enough to cover advertisements or how did you handle it when you exceeded your advertising budget?

Mr. Harvey: Since it is within the department's budget we were able to take funds from other lines to cover the costs and that is typically how we operate the budget is that sometimes costs may come in higher than their program because when you set your budget you are almost a year and a half ahead before your budget is actually implemented. When we start our budget process, we start in October and November for a budget that starts in July. So I guess it is not a year and a half but it is like nine months ahead. Sometimes it is hard to calculate those costs.

Ms. Kirkman: If we could get just for our own information what for the last couple of years, what was budgeted for advertising and notice and what was actually spent. I would just like to see what that looked like prior to this year, prior to '09.

Mr. Fields: We saw those numbers not too long ago, didn't we?

Mr. Harvey: I think we had provided some of that but I will dig it back up.

Mr. Fields: Maybe that was in the meeting I had with Mr. Crisp.

Mr. Harvey: Yes it was.

Mr. Fields: I know that I have seen those numbers so I guess we have not seen them collectively. All right, anything else?

Mr. Harvey: That concludes my report.

COUNTY ATTORNEY'S REPORT

No report.

SECRETARY'S REPORT

No report.

COMMITTEE REPORTS

Mr. Fields: Any committee reports? I do not think so. Transportation Committee will meet the fourth Wednesday.

Mr. Rhodes: Yes.

Ms. Kirkman: Mr. Chair? I do not think we ever did the motion to cancel the public hearing in this session.

Mr. Fields: You are absolutely right. Thank you for reminding me.

Ms. Kirkman: And I also think we need to do the one on the subdivision.

Mr. Fields: You are absolutely right. We need a motion to cancel a public hearing scheduled for tonight for Ordinance O09-05. Is there a motion to that effect?

Mrs. Carlone: I make a motion.

Mr. Fields: Mrs. Carlone moves.

Mr. Rhodes: Second.

Mr. Fields: Mr. Rhodes seconds. Any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Mitchell: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. All opposed? Everybody is for that. All right, and then we need a …do you have that resolution written down? I do not have it handy. The ordinance number for the time limit.

Mr. Harvey: Mr. Chairman, that effected Sections 22-61 and 22-77.

Mr. Fields: So we need a motion to cancel the public hearing scheduled for next February 18th .

Mr. Harvey: We have not set that date. We are looking to try to combine public hearings.

Mr. Fields: Okay, so we are cancelling the public hearing for whatever future date for changes to the Code 22-61 and 22-77. Is there a motion to that effect?

Mr. Rhodes: So moved.

Mr. Fields: Moved by Mr. Rhodes. Second?

Mr. Mitchell: Second.

Mr. Fields: Seconded by Mr. Mitchell. Any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Mitchell: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. All opposed? All right, that is done.

Ms. Kirkman: When is the net buildable ordinance scheduled to be heard?

Mr. Harvey: I guess we would have to work that out with the Commission as to when you want to go forward with the public hearing.

Ms. Kirkman: This was something that was sent to us by the Board so there is a time limit. I am assuming that when the Board sends us things with automatic time limits that those are getting scheduled as soon as possible.

Mr. Harvey: Yes, we would be working to schedule that. I guess the Commission does have some leeway as far as when you want to do it because I do not think they specified a specific date of return.

Ms. Kirkman: But there is a by code a specific date of return.

Mr. Harvey: Yes, I believe it is one hundred days.

Ms. Kirkman: It is ninety days and the clock is already ticking because I think they did this at their meeting before the one yesterday and this requires a mailed notice. So what is the first possible date we could hear this ordinance?

Mr. Harvey: I would imagine the first possible date would be the first meeting in March. The 4$^{th}$ of March.

Ms. Kirkman: I move that we hear it then.

Mr. Fields: Motion to hear the Net Buildable Ordinance, to schedule a public hearing for the net buildable ordinance on March 4$^{th}$ . Is there a second?

Mrs. Carlone: Second.

Mr. Rhodes: Can everything be prepared and properly ready by then? I know that is the next potential date but I just need to confirm from staff that that is doable.

Mr. Harvey: I think, just to make sure we can get everything straightened out with the printers, I would ask the Commission if we could consider maybe pushing it back to the next meeting beyond that.

Mr. Rhodes: The 18th of March.

Ms. Kirkman: That puts us pretty close to the time limit so I would really ask that if it can at all be…

Mr. Rhodes: Is it ninety days from the 22nd of January?

Ms. Kirkman: Yes, that would be right, whenever our Wednesday meeting was following the Boards' action.

Mr. Harvey: This is our first meeting since that action because they met after you.

Mr. Fields: We have until the end of April.

Mr. Rhodes: We have until the 22nd of April.

Mr. Fields: So March, is that okay?

Ms. Kirkman: I would rather get it done sooner.

Mr. Rhodes: The second March meeting then, amend the motion.

Mr. Fields: Do you accept the friendly amendment to March?

Ms. Kirkman: Sure. But I would add, in the future when the Board schedules us things, I had made the assumption that those were automatically set for advertising as soon as possible. If that is not the case we need to know that.

Mr. Harvey: Mr. Chairman and Ms. Kirkman, usually when the Board refers things we provide you with a copy of the referral and then a lot of the times you will put it on your Ordinance Committee to discuss it and debate if there is any adjustments.

Ms. Kirkman: Oh, wait a second, I am remembering this. We do need to secure this on the first meeting of March if at all possible because there is actually two. One is repealing the old one and the second is doing the new zoning one. And this is in relationship to a hearing that is coming up in early April and we are trying to get it back to the Board. I do not want to say a lot, this is a legal matter and we should be discussing it in closed session, but there was some very clear time pressures on this.

Mr. Harvey: The repeal ordinance is very easy to handle. We could do that at the next available public hearing scheduled which I believe would be, to meet the advertising requirements, the 4th of March.

Ms. Kirkman: I am not willing to hear one without the other.

Mr. Harvey: We can certainly work to see if we can get that all accomplished. I know we have the list of properties we were going to try to cull through them to minimize the number of notices we have to send because we have multiple property owners and then get that to the printer.

Mr. Fields: So, do your best for the first of March?

Mr. Harvey: Yes.

Mr. Fields: To meet those other deadlines. So the motion is to attempt the first of March and if not, then the second one, but hopefully shooting for the first. All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Mitchell: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. Opposed? All right. Any other items before us that we need to be aware of?

CHAIRMAN'S REPORT

Mr. Fields: I will just briefly note in my Chairman's Report that I went to the Board of Supervisors last night to present the Comp Plan. Hopefully everybody has their brand new spanking smells like a new book kind of version of the Comprehensive Plan, the draft, that encompasses all the changes that we voted on though not all the changes Mr. Rhodes wanted unfortunately. He whittled us down on a few, I will give him that. He had high points for tenacity. At any rate, this is the document exactly as it was presented last night. The staff did an outstanding job I think of outlining the plan and the work that we did on it, acknowledging all the work that everybody did on it, and I presented the over-arching philosophy and answered a few questions about certain components of it. The Board is having a work session on February 17th on the Comp Plan. I know a lot of people have a lot of time constraints and I believe that work session is during the day, isn't it?

Mr. Harvey: Yes, Mr. Chairman. Tentatively it is scheduled for 3:00 p.m.

Mr. Fields: Any Planning Commissioner that could possibly be there that day, that is great. If not, we certainly all understand that that is extra-curricular to our work plan and everybody has work conflicts. I certainly will hope to be there if at all possible. I articulated last night that we will stand ready as the Commissioners to assist the Board in any way, attend meetings and work sessions in any way, if it helps to clarify their understanding of the Comprehensive Plan.

Mr. Rhodes: Mr. Chairman or Mr. Harvey, what is the location and tentative timeline associated with that meeting? The timeframe?

Mr. Harvey: That meeting would be here in this room and the time allotment I am assuming would be an hour because typically the Board has a number of items on their agenda including closed meeting

and then they have to take a break for dinner. But I have seen the work sessions go beyond 4:00, certainly the last meeting they did they went until 6:00.

Mr. Rhodes: Thank you.

Ms. Kirkman: You are asking us to be in attendance, this is not a joint work session.

Mr. Fields: Not a joint meeting. I offered that the Planning Commission will attend in support of the Boards' work on the Planning Commission, not a joint meeting of the Planning Commission and the Board. We are not taking attendance and we are not looking for a quorum but it is just the idea that since we spent, some of you even more years and some of us less years, but we have all spent a lot of time of this. Since the Board, because of a statute, is under… it is kind of odd how that works, I understand how the statute works but actually they are under a really brutal time constraint to try to get their hands around this giant document that it took the Planning Commission three or four years to get through. I am not really sure how that was envisioned to work and when they set this timeline up. I mean, how does the Planning Commission work on it for three years and the Board get ninety days to look at that work. That is a little daunting. Sixty days, right. They have until March 17th, it is my understanding, to act?

Mr. Harvey: Yes.

Mr. Fields: At that point, March 17th is the deadline by which they are required by Code to either approve it, but we are still not sure, theoretically they are forced to approve it or refer it back to the Planning Commission at that point, right?

Mr. Harvey: Or they can make modifications. The Code is not clear what level of modifications they can make without referral back, but based on past discussions I am assuming if there are adjustments to the Urban Service Area or land use designations, it is more likely it will have to come back for future public hearings.

Ms. Kirkman: And we have not included that in the budget, right?

Mr. Harvey: Correct. It is not in any of the numbers that I discussed with the Commission and we will be working with the County Attorneys on those type of public notice issues.

Mr. Fields: Okay. So anyway, that is where we are with the Comp Plan. They have a lot of work ahead of them. My concern, of course, is as they begin to grapple with what we have all been talking about as a nightmarish budget for this year, I do not know how in the universe the Board could be expected to grapple with this year's fiscal 2010 budget and the Comprehensive Plan all within a sixty or ninety day timeframe, or forty-five days. That does not even seem humanly feasible. So, I do not know how they are going to work that out but I certainly said the Planning Commission will do anything in its power to help them with that. The easiest thing for them to do, I think, is to simply trust that we have done all the work and that we have done it well, and to take our recommendation and pass it. I do not really see what the problem is with all that, but I suppose they are going to want to take a look at it. Any other comments?

Mr. Mitchell: Just a technical question. The minutes of September 3, 17, 24 and January 7.

Mr. Fields: Thank you sir. I should know to flip the page to see the work adjournment. I apologize.

OTHER BUSINESS

None

APPROVAL OF MINUTES

September 3, 2008 Regular Meeting

September 17, 2008 Regular Meeting

September 24, 2008 Special Meeting

January 7, 2009 Regular Meeting

Mr. Mitchell: Motion for approval.

Mr. Rhodes: Second.

Mr. Fields: We approved the work session minutes, these are regular minutes. Moved by Mr. Mitchell and seconded by Mr. Rhodes. All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes. All opposed?

Ms. Kirkman: I am abstaining.

Mr. Fields: Motion passes four with one abstention.

ADJOURNMENT

With no further business the meeting was adjourned at 8:18 p.m.

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Peter Fields, Chairman
Planning Commission