

**STAFFORD COUNTY PLANNING COMMISSION**  
**WORK SESSION MINUTES**  
**April 1, 2009**

The work session of the Stafford County Planning Commission of Wednesday, April 1, 2009, was called to order at 5:39 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent: Di Peppe

Staff Present: Harvey, Nugent, Roberts, Stinnette, Stepowany, Schultis and deLamorton

3. Declarations of Disqualification

None.

4. Review of Proposed Ordinances

Mr. Fields: We are moving into the Review of Proposed Ordinances. From what I can understand and recall of this list of six items, I believe we only have Agricultural Districts Lot Yield that we are working on today. Is that correct? And we have Elimination of the Preliminary Subdivision Plan as well, I know I have an item of that. We are going to work on that and the lot yield today? Am I getting this correct? We have Reservoir Protection. Are we going to talk about that today as well?

Mr. Stepowany: There are some additional items that we can still discuss, the Reservoir Protection Overlay.

Mr. Fields: Alright, just getting a sense of where we are headed so I can keep us moving.

c. Agricultural Districts Lot Yield

Mr. Stepowany: Thank you Mr. Chairman. On the Agricultural Districts Lot Yield memo, staff was requested a couple items to research after the end of the last meeting. The first request was for the staff to request the mean and medium size of the unimproved parcels from Spotsylvania County that are subject to the 10 lot yield regulations and in Fauquier County subject to the sliding scale regulations. We did email and I did personally talk to planners in both offices. We have had emails go back and forth to make sure we were asking for the right information. As of today I have not gotten any responses back from either county for that information. Unfortunately, I cannot provide that information tonight because it has not been provided. As I said at the last meeting, I would make the attempt but I could not guarantee it tonight. The other request was to provide the policies in the current Comprehensive Plan that would support a lot yield initiative. As in the memo there is one reference to this issue which is listed in the implementation section of the plan regarding potential means to preserve agriculture. It states "potential means to preserve agriculture should be studied. Specific recommendations for further study may include: part (e) limit the number of lots to be subdivided from a specific tract of agriculturally zoned property on an annual basis". And that is really the only provision we could find in the current Comprehensive Plan that would be similar to the lot yield ordinance. That was the only two items that staff was asked to provide to the Planning Commission. I will be more than happy to take any questions or any other direction.

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Mr. Fields: Any questions?

Ms. Kirkman: You mean to tell me in our current Comprehensive Plan we have absolutely no objectives regarding managing growth in agricultural areas?

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

Mr. Harvey: This was the objective we found that closely meets what we are looking at for the lot yields. There are other goals to continue agricultural activities and provide support activities that can further ensure the survivability of agricultural uses, but there is not anything specific with the number of lots that can be developed in the agricultural areas.

Ms. Kirkman: Is there anything regarding managing growth in the agricultural areas?

Mr. Harvey: I would have to go back and look, I do not recall specifically.

Ms. Kirkman: Could staff please do that since I really see that as falling under that.

Mr. Fields: I think this raises a question in my mind about... I guess and I would ask maybe counsel and staff to do this... I think maybe from a Commissioner's point of view this could fall under one of the possible means of implementing broad objectives and I respect you are coming from where you can really find more of a one-to-one correspondence. Is that possible to do or is that being too amorphous if we say that reducing lot yield in general preserves agricultural initiatives and therefore it fits under a broader category? Or is there a technicality there that that becomes too broad to justify a specific ordinance? Do you know what I am trying to get at?

Mr. Harvey: Yes. Generally, with ordinances you like to refer back to your Comprehensive Plan. Say that you have a Comprehensive Plan supporting what you are doing with your ordinances because your ordinances are your implementation tools. If there is broad language about you should manage growth, that is something you may be able to fit it under. You have to probably clarify how you are fitting that into that overall broad goal and how it is working in concert. It certainly makes it a little easier to defend if you have a specific goal or objective that matches what you are attempting to do with your ordinance.

Mr. Rhodes arrived at 5:45 p.m.

Mr. Fields: Okay, in this example, let me ask the question here too. It says limit the number of lots to be subdivided from a specific tract of agriculturally zoned property on an annual basis. Is that almost like a, on an annual basis, would that be like saying that you could have an ordinance that says you can do 3 acre lots but you can only do five 3 acre lots per year? Is it something like that?

Mr. Harvey: Yes. I guess kind of a kin to our minor subdivision provisions that we currently have, they specify that when you do a minor subdivision you are supposed to show the county the number of cuts that have occurred during the last five years to see if the total number of divisions exceeds the threshold for a minor subdivision.

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Mr. Fields: I see. So that you do not just sort of trickle your way into a 100 unit 3 acre lot subdivision, two a year under minor plans because I know there have been a lot of attempts to (inaudible) around family subdivisions and minor subdivisions and stuff like that.

Mr. Harvey: Yes, just to try to deal with piece-meal type of subdivisions.

Mr. Fields: So there is the authority under the code then to review those kinds of subdivisions with a timeline because it almost sounds like you are getting into an APFO type of thing of rate a growth which has always been the out-of-reach type of ordinance that we could never achieve in Virginia. But with this type of thing there are some mechanisms for annual review.

Mr. Harvey: With our current regulation, it just specifies what type of application a subdivision plan would be processed under. It does not necessarily restrict the number of lots you can yield. That is a different issue which we would have to make sure that whatever we develop meets the requirements that the legal department is happy with. I have heard of other jurisdictions looking at that approach that overall they are not limiting your density or intensity use because you could still achieve the same number of lots but over an extended period of time. So, we have to do some more research to see who has it and how it is structured.

Mrs. Carlone: This is for Jamie. Do you anticipate at the next meeting, which is hard to do, that we might get the information back from Fauquier and Spotsylvania?

Mr. Stepowany: I am relying on other Planning Departments to provide that information. I can just send another courtesy email like I have done saying if you can provide the information that would be greatly appreciated.

Mrs. Carlone: Okay. Mr. Chair, is that too soon to ask? Did you want to stretch the time out more?

Mr. Fields: No, I kind of think we are sort of ready to move on this, to a certain degree, as soon as possible. It would be good to have that information but I am open to suggestions.

Ms. Kirkman: Mr. Chair, I would suggest that we defer this to our next work session and then make a decision based on what we have in hand, and also based on the results of the cluster committee meeting that we are attending tomorrow. So I would suggest we defer this to the next work session.

Mr. Fields: Okay, do we need a motion?

Mrs. Carlone: I make a motion to defer to the next work session.

Mr. Fields: Okay, is there a second?

Ms. Kirkman: Second.

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

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

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Ms. Kirkman: Yes.

Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: Yes. Opposed? Alright, we will take a look at this next time. Okay, next?

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

Mr. Stepowany: Mr. Chairman, at that last meeting Mr. Critzer, the Director of the Department of Utilities, made a presentation and did a question and answer with the Planning Commission. The primary reason for his presentation was the testing of the reservoirs and contaminants and he provided a lot of scientific information and tried to answer some other things. In addition to that, we still had a couple other questions that were raised back in November or December for the Reservoir Protection Overlay District that have not been discussed since those questions were raised. That is what the memo is basically addressing, those other questions that have not been discussed. So, if you do not mind, I will go over some of them. There was a question how many non-residential uses are located within the overlay zone. I do not have the large maps with me, but if you remember when we were discussing how many houses were within the Buffer Zone and the Proximity Zone, and GIS showed the little gray boxes, they showed all the structures. There were a couple of large structures located in the proximity zone. I do not know what they are, but it shows up on the maps. All the other ones are just tiny little boxes that reflect houses. So, without going out there to see exactly what those uses are, they are obviously non-residential type uses based on the mass size of the outline on the GIS maps. Those were the only two that appeared to be non-residential type of structures within the Buffer and Proximity Zones. There are no non-residential zoning districts in the Buffer or Proximity Zones but there are numerous non-residential zoning districts in the watershed zone because that takes you all the way out to 17, it takes you all the way out to 610, it takes you all the way out to Fauquier County. So, there are a lot of main corridors that are within the watershed zone, but as for the 2,000 feet and the 500 feet from the water, there are no non-residential type zoning districts within those two zones. That was one of the questions. How do the zones affect the sale or resale of properties? As I said, I contacted a couple appraisers through real estate agents who might do other counties and I have been told that for Stafford County, to get a response from them we would have to retain their services for them to go in other counties and research other counties to see like when they had an overlay zone or down-zone of the property how that affects the resale of a property. We did contact the Commissioner of Revenue's office and again they said that if we were to provide specific information of a specific property that has been the subject of a down-zoning or subject to a new overlay zone and we could say this property has gone for sale, we would have to do a lot of the lead information to the Commissioner of Revenue. So that question I am really unable to answer at this time because it is going to take either resources or a lot more research to try to come up with a specific answer to whether or not placing an overlay zone would affect the sale or resale of a property. Item three which is would proposed Section 28-61(i)(3)(a) prevent the expansion, modification or addition to an existing house or new construction on a vacant lot located in the Buffer Zone which is our first 500 feet. We did discuss it with the Zoning Administrator and this section would prevent the expansion, modification or addition to an existing house in the Buffer Zone. Further discussion with the County Attorney's office is needed to determine if the regulation would prevent the construction of a new house on a vacant lot in the Buffer

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Zone if the lot was already created prior to the establishment of this Zoning Ordinance. And we have not been able to forward this request to the County Attorney's office and to sit down and discuss and get an answer on it. But the first part is, if you have an existing house, you would not be able to expand or put on an addition to the house other than I think it says a picnic table for the house if it is already in the Buffer Zone. Number 4, how many residential change permits were submitted in the past year within the Buffer and Proximity zones? Sixty-nine residential permits were submitted within the past year. I did provide the attachments that were done by Code Administration in the Zoning Office. That was attachment 1, four pages that was provided.

Ms. Kirkman: Excuse me, before you move on. I was looking at that list of residential change permits. How many of those were actually for enlargement of the main structure because it looks like to me the majority of those are for things like upgrading the electrical and those sorts of things.

Mr. Stepowany: I would have to look at it some more and separate it out.

Ms. Kirkman: Yes, could you please go back and look at that and identify what number of those were actually for enlarging the structure in some way.

Mr. Stepowany: And if you do not mind, I will talk to Mr. Dayton who provided the information.

Ms. Kirkman: However you want to go about it. But it did appear although there was a long list of 67-some residential change permits, it was not clear that all of those were regarding enlargement of the primary structure.

Mr. Fields: Just on a quick glance, none of them look like they were enlarging their primary structure.

Ms. Kirkman: There were one or two of them that were.

Mrs. Carlone: There were, like the deck, two decks, three decks.

Mr. Fields: Well, there were several decks.

Mr. Stepowany: Screen porch, deck, carport.

Mr. Fields: That is enlarging the footprint but not an addition.

Mr. Stepowany: We can sort through it some more (inaudible).

Ms. Kirkman: We do not want to convey that this issue is actually bigger than it really is.

Mr. Stepowany: And the last question was can the Ordinance be modified to assist property owners within the overlay district that may need relief due to the property being classified as nonconforming? As stated, the application for special exceptions may be modified to reduce the application fee. The fee reduction must be approved by the Board of Supervisors by ordinance. Staff requested the Utilities Department consider a different term for "mean high water line" since the term is used for tidal waters. Mr. Critzer recommended the ordinance use the term "maximum pool level" instead of "mean high water line". On March 10, 2009, the Utilities Commission held a public hearing for Ordinance O09-14 which was formerly O07-22 which was the amendment to Chapter 17. We have provided that

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Ordinance. The Board of Supervisors is considering whether to hold a public hearing to adopt the ordinance. I believe that is to be discussed at next week's Board meeting. And then attachment 3 is the current draft of our Reservoir Overlay Ordinance with the change of "mean high water line" to "maximum pool level". It is the only modification to that Ordinance as of now. And staff notes that concerns with location of existing residential lots within the proposed buffer zones need further discussion. Proposed buffer zone regulations may prohibit development on vacant lots. And that is where we are at this time and I will be more than happy to answer any questions and get more direction from you.

Mr. Fields: Are there any more questions for staff?

Mr. Howard: Yes. Mr. Stepowany, when will you have the answer about whether a new home can be built on a vacant lot in a buffer zone?

Mr. Stepowany: Basically, the response is if we want to retain the services of an appraiser to investigate another jurisdiction to see that may have already placed a Reservoir Overlay Protection ordinance or something, but this type of activity has not happened recently in Stafford County.

Mr. Howard: I think you anticipated a question I was going to ask but that is not what I actually asked. So, in number 3, the last sentence where you were going to have further discussion with the County Attorney's office to determine whether or not this would prevent new construction on an existing lot that ends up being in the buffer zone.

Mr. Harvey: Mr. Howard, I can answer that. We will have that answer for you at your next meeting.

Mr. Howard: Okay. And then on number 2, which is what you started to answer, is this a situation where we, and maybe Mr. Harvey can answer this, I am not picking on anybody I am really just asking for understanding, is this a situation where we just do not know the answer? I mean, what stops us from getting an expert answer on this that does not seem to be a logical process?

Mr. Harvey: The issue of whether we are going to hire outside appraisers is a monetary one. We do not have money in our budget to be able to do that type of work. If we are to, again, utilize the Commissioner or Revenue's office to give us a general feeling, we would have to provide them with some more research based on what other jurisdictions have seen with similar ordinances.

Mr. Howard: So, what is the plan? Are you expecting us to accept that answer as is given tonight or is there some additional homework that we want staff (inaudible).

Mr. Harvey: I think the issue tonight is does the Commission want us to move forward with gathering additional information (inaudible).

Mr. Howard: Okay, so that is the question back to us.

Mr. Harvey: Yes.

Mr. Howard: Thank you.

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Mr. Fields: What type of additional information do we need for the Commissioner of Revenue to have the information? I just need to get a handle on that.

Mr. Harvey: Based on the discussion, I would assume that we would find other jurisdictions that have reservoir overlay ordinances or similar type of ordinances and see if we can gather information as to what the value of the properties were before and after those ordinances went into effect. And then the Commissioner of Revenue's office could correlate that to see how well it fits into conditions in Stafford and maybe make some overall statements about what may or may not happen.

Mr. Fields: Does Spotsylvania have these on their reservoirs?

Mr. Stepowany: They have a Reservoir Protection Overlay Ordinance. That is one good example.

Mr. Fields: And their Hunting Run Reservoir is a relatively new reservoir so I would assume that that might be a fairly germane example? I am not asking you for a definitive answer, I am just thinking off the top of my head where we can go to get (inaudible).

Mr. Howard: I do not think it is a science, it is really more anecdotally this is potentially what can happen I think is probably what the answer might be.

Mr. Fields: I am just thinking that one because obviously Spotsylvania is the most directly comparable county and the size of Hunting Run and the relative affect would seem to be one of the most logical. If that has a Reservoir Protection Overlay District that certainly in my mind is on of the most logical places to start. I do not know off the top of my head the number of different communities that use or do not use reservoirs placed largely on topography and water supply. I mean, you just cannot put a reservoir any place.

Mr. Stepowany: That would be the ideal in talking to the appraisers and Commissioner of Revenue is if we can find another jurisdiction that has a Reservoir Protection Overlay District that has basically made some of the land nonconforming in it. That is what we would have to do also, additional research with Spotsylvania to find out if those lots became nonconforming and then if they have gone through sale or resale since prior to being nonconforming to after being nonconforming. The other option that the Commissioner of Revenue suggested for staff to provide is down-zonings in Stafford County and of comparable sales.

Ms. Kirkman: Excuse me, this is not a down-zoning.

Mr. Stepowany: It is in the sense that you will be making some lots a minimum of 5 acres and some lots a minimum of 3 acres by the overlay.

Ms. Kirkman: But we are talking about the impact of non-existing land.

Mr. Stepowany: I understand.

Ms. Kirkman: So, it is not a down-zoning because down-zoning applies to land that has not yet been subdivided. We are talking about what happens when it becomes nonconforming which means it already has been subdivided.

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Mr. Stepowany: I understand, but that is what we are trying to get, comparable types of situations.

Ms. Kirkman: And I am saying that is not a comparable situation.

Mrs. Carlone: Jamie, when you were working on this overlay district we borrowed literally from Spotsylvania (inaudible).

Mr. Stepowany: And I do not have a problem going there but, again, we need to find... We have subdivisions in our overlay zone that would, if it was to be subdivided today, would require 3 acre lots and these are 20,000 square foot lots. Is there such a situation in Spotsylvania and, if so, have they had house sales? That is what we have to provide to the Commissioner of Revenue. As Mr. Fields' pointed out, Hunting Run Reservoir, we may have similar situations that we can give direction to the Commissioner of Revenue to see if they can come up with comparable sales in that area.

Ms. Kirkman: Mr. Chair, if we are going to go down the road of economic analysis then a piece I would like included in the economic analysis is how much property values were increased by virtue of being turned into waterfront properties by virtue of creation of the reservoirs.

Mr. Fields: Yes, there are pluses and minuses to being on the front of a lake, that is for sure.

Mr. Howard: On some of the comments about the information you provided in terms of what residential changes occurred on these lots that are in these current overlay districts, or proposed overlay districts, this is just a period of time of thirteen months, is that right? This is just for a thirteen month period of time?

Mr. Stepowany: The applications that were provided?

Mr. Howard: Yes.

Mr. Stepowany: Yes, that was just within the last year.

Mr. Howard: So, an example could be someone who has all of a sudden put a walk-out basement in their home may have had an expansion of their home actually prior to that. So there could have been some other change that you are not capturing in this data, is that correct?

Mr. Stepowany: That is correct.

Mr. Howard: So, the question really was what potential impact will this zoning have on existing homes and their ability to expand? And to go back that length of time and then, as some of my colleagues want to have some of these removed so not to overstate what the impact is, I would argue the opposite of that. That a lot of times when you are doing a home expansion there are several different parts and you start at a place and you end up at a place and I think that there are probably homes that we are not aware of that expanded. And some of the work on these homes that are listed are as a result of additional work that has taken place on those properties and I would like to know that. I would like to know if that is correct or not correct. And I do not know what the right length of time is. I am not trying to suggest a time, I am just trying to understand the real impact, that is all.

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Ms. Kirkman: Mr. Chair? I would suggest that if the concern really is about the impact then why don't you just pull the residential change permits not by a timeframe but by lot ID and then you can just identify how many of the properties in the overlay district have actually had expansions of their footprints.

Mr. Fields: Alright, is that crystal clear then what needs to be done?

Mr. Stepowany: Yes sir.

Mr. Fields: Do your best. I know it is a tall order but, seeing how the reservoir was laid out a long time ago, I just wish that maybe this had been thought through when they first put these reservoirs in place. It would have made it a lot easier. Oh well. Okay, anything else on that? We have got to keep moving here, we have got other stuff to do.

Mr. Mitchell: Quick question. In reference to the Commissioner of Revenue's statements and the appraisers saying they would do it but they would need to be paid to do it, would we be considering county staff to come up with some information or would we really be considering Mr. Mayausky's office to come up with the information?

Mr. Fields: I think we are looking at a cooperative venture between Planning staff and Mr. Mayausky's office to analyze... It is my understanding, and I think that is where we were getting, it is my understanding and correct me if I am wrong to restate it for clarity is that if Mr. Mayausky is willing to look at the internal analysis of parcels in Stafford he needs Planning staff to do some homework finding comparables outside of Stafford so that he has some data to work with. In other words, he is saying he does not really have the resources to start calling and looking for other reservoirs. If we can hand him some data from other localities, then he can do the in-house analysis of value which he is equipped to do. So, that is my understanding of the scenarios. Does that answer your question?

Mr. Mitchell: Well, it does but talking with Mr. Mayausky over the years I know that they have a state group of Commissioners of the Revenue and I know they share a lot of internal information. And I know a common problem and I know one of the things he faced several years ago was giving an appraisal on an island. So those are few and far between. He did go within his realm of the Commissioners of the other counties and cities but he was able to come up with an answer. I am hoping that Mr. Mayausky could be able to come up with some definitive answers quickly. Just through an email through his organization. Not to take away from our Planning staff, but I am thinking it might shortcut the timeframe if the Commissioner's office could contact the other ones, and I am not trying to give Scott extra work, but I am just trying to figure something that would give us a better idea.

Mr. Fields: Point well taken Mr. Mitchell. I know as with the County Attorney's office and other Planning offices, I have seen and we have all been copied on many of those emails where they send out to the association and I know the Commissioner of the Revenue is a very active and vibrant state association and they have a very strong state association so you would think that if you do an email out to the list served of the Commissioners of the Revenue if anybody has ever done an analysis of nonconforming values in a Reservoir Protection Overlay District. If that is okay with the Commissioners could staff convey that just as a request, not as a demand, just ask the Commissioner if he could at least do that?

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Mr. Stepowany: Sure.

Mr. Fields: Is that okay with everybody? Thank you Mr. Mitchell, that was a good suggestion.

Ms. Kirkman: Mr. Chair, just to remind you, the second part of the request if we are going down this road of economic analysis, which it looks like we are, I also want to see the analysis on how much value is gained by making these lots waterfront by virtue of creation of the reservoir itself, because if your property increased by 100,000 because it was made waterfront and then you lose 20,000 because of the overlay, you are still 80,000 ahead.

Mr. Rhodes: Were we restricting the look only to decreases? I thought we were just looking for changes?

Mr. Fields: Yes, impacts plus the delta in either direction, right?

Mr. Howard: Impacts only.

Mr. Fields: I think we want to make sure that is clear from everybody. I think we are all in agreement too. We want to see the impacts both on the positive and negative sides, we are not looking for one or the other. Does that make sense? Okay, very good.

Mr. Stepowany: Thank you.

Mr. Fields: Are we going to... Jonathan. That means it is time for... he is the man that killed the preliminary subdivision plan in Stafford County. That will be your big legacy my friend.

a. Elimination of the Preliminary Subdivision Plan Process (**Deferred to April 1, 2009**)

Mr. Schultis: Well, that is a heck of a legacy to have to live up to. Good evening Mr. Chairman, members of the Commission. Tonight, as far as elimination of the preliminary plan is concerned, I would like to essentially keep it to an update. Due to medical leave I was unable to put as much attention in this as I would have liked to prepare for the Commission.

Mr. Fields: We hope you are well.

Mr. Schultis: I am. I am here and moving along. Anyway, essentially, the last time we were all together talking about this there was an effort to kind of move it forward and come up with an idea of what something would look like without a preliminary plan. My thoughts, as illustrated on the memo, essentially detail a very large major site plan that would be phased in its review. The initial reviews would center around stormwater management, transportation layout, utilities layout, they would kind of go through a micro-review and there would be a technical review committee associated with that first part. And so long as those were kind of in step with being able to move on, then the construction plan would meander its way to a closer, more detailed engineering design and review, and ultimately it would come before the Planning Commission. And all of what would have been required in the preliminary plan and in the construction plan would be merged into one under the guise of the construction plan. Of course, this is just a preliminary thought and as I have stated many times we are the only jurisdiction that would adopt something like this. I do not feel 100 percent comfortable yet. I

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will require a significant more collaboration with the County Attorney's office and other departments to bring this to fruition. But if you like what you see, then that is a good first step and I can kind of take this and run with it further. With that, Mr. Chairman, if there is anything specific you would like to talk about with this I am certainly open to questioning.

Mr. Fields: Any questions for staff on this?

Mrs. Carlone: On this you had mentioned there is a few other things besides what you just mentioned that you had concerns about to address. Right now we are going to say okay this residential site plan process that you brought up but there are still some other issues...

Mr. Schultis: The largest issue that I think that I have is is what we are doing is groundbreaking legislation and without anything else to compare it to. It would be hard in my mind to make it legally sound and that is why I want to work very closely with the County Attorney's office to put something together that, in their mind, would be something that would pass muster.

Ms. Kirkman: I understand we are going to have to work very closely with the County Attorney's office but do you think by our next work session you could have a flow chart for what the process might look like? Understanding it is not legally binding, not a proposed ordinance, but just sort of just...

Mr. Schultis: Yes ma'am. I have it on the back of the memo.

Ms. Kirkman: Site plans are different than preliminary plans, so you are calling it a site plan rather than a ... okay. Got it, thank you.

Mr. Schultis: We call them construction plans here in Stafford County but what we call a construction plan is referred to as a site plan in state code.

Ms. Kirkman: Thank you, that helped a lot.

Mr. Howard: Jonathan, it seems like there are four less steps, just at a quick glance from the way you have both flowcharts flowing. I wonder if it would be advantageous to all of us to understand the length of time; I do not know how you would quantify that. So in the original flow somehow have a time reference and then in the proposed flow what is the time reference.

Mr. Schultis: And that is a hard question to answer. If we are talking about in the original how we are doing business now with the developer that is very aggressive with getting it through the timeline, you figure...

Mr. Howard: Well, what if we did this. The length of time the county spends, not necessarily the applicant. Is that quantifiable?

Mr. Schultis: That is hard to me to quantify right here. I would say...

Mr. Howard: I am not asking right here. I am saying as you go through this process.

Mr. Schultis: That is certainly something that I can look into.

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Mr. Howard: Okay.

Mr. Schultis: I will say that the residential site plan process, as I have proposed, would be unique because it would be combining the two into one. And ultimately consolidation would probably make some reviews more efficient but ultimately may be drawbacks on either side. As I said, these are all issues that I want to explore and have answers to.

Mr. Howard: Right, and what I am trying to understand is what are the intended consequences. It could be shortening the time, it could be combining resources at the county level which ultimately saves the county resources and money, or there may be some unintended consequences that you did not think about as you go through the process which I am sure is why you want to involve the legalness as well.

Mr. Schultis: Yes sir. I will look into both the negative and positive externalities.

Mr. Fields: Okay, are there any other questions for Jonathan on this? Okay, keep up the good work. We can walk through, again, eventually, and I know there is such a wide variation, but if you could maybe, I am thinking eventually at some point if you could refine your data analysis of how this works that we could maybe take a couple examples of existing, maybe an example of an extremely aggressive preliminary plan that we have done in the past or a site plan that we have done in the past and one that maybe hit lots of snags and took longer and see, just for the sake of timeframes, not necessarily for the intent of where this is going but if we are trying to analyze timeframes. Because I think I can see from looking at this that we are obviously getting into something very different because by the time the Planning Commission sees this site plan it has been essentially worked through in its completion which, from some of the preliminary plans we have seen, is not the case currently. Thank you.

Mr. Schultis: Thank you.

Mr. Fields: I know that we need to go into closed session on the Woodstream issue but we have the VDOT Secondary Six Year Plan also in the work session. Maybe we should take a look at that real quick and then allot whatever time we have remaining for Woodstream. Is that okay with everybody if we jump that around?

Ms. Kirkman: And Mr. Chair, on the SSYP I think, if I understand correctly, what we need to do tonight is move it forward to our regular meeting so that we can vote on something to send to public hearing at our next meeting, is that correct?

Mr. Harvey: Actually, Mr. Chairman and Ms. Kirkman, you authorized the public hearing. You asked us to provide you with a copy of the previous years' SSYP for discussion purposes and for your information.

Ms. Kirkman: But we also asked for, well this is getting into what Mr. deLamorton will be presenting to us, but we asked for something for this year and I think we do have that in our packet.

Mr. Fields: What we have here is a worksheet I am assuming, and I see Mr. deLamorton here.

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Ms. Kirkman: Thank you Jonathan.

Mr. Fields: Thank you Jonathan. I did not mean to leave you standing there.

Mr. Schultis: When you are ready to talk about Woodstream, I am ready.

8. Other Unfinished Business

- a. Virginia Department of Transportation (VDOT) Secondary System Six-Year Improvement Program (SSYP) for FY2010-FY2015

Mr. Fields: Okay. Mr. deLamorton, thank you for being here. I see we have a worksheet here with just sort of blank squares on it. I am assuming that is provided if we care to do so today or at the evening session go through and basically check or X off projects. Is that kind of what this is for?

Mr. deLamorton: Yes sir Mr. Chairman. Good evening Mr. Chairman, members of the Planning Commission. Fulton deLamorton, Transportation Administrator. The first item I wish to point out in your packet this evening, you are missing page 4 of my background report and I will hand that to the clerk here in just a second and get that passed around. The chart you are referring to has road projects, or has the six year plan, in four categories: Regular Construction, Youth Driver Taskforce, Unpaved Road Funds, and then there is the Budget Items. The background report gets into that detail. What staff is going to be looking for the Planning Commission to do, and I am assuming it is the next meeting following your public input session, would be to indicate of those projects which ones to retain in the SSYP and which to delete. And the second would be to prioritize the remaining projects, those particularly in the regular construction category. So, the worksheet is basically a template for you to operate from. There are no cost estimates because the ones we have currently are a year old with the existing SSYP and there are no allocations suggested in that worksheet, and yet I did include an Attachment 1, the VDOT document regarding the annual allocations.

Mr. Fields: Attachment 1, so this is the current numbers, right?

Mr. deLamorton: Attachment 1 is the CTB approved numbers on February 13<sup>th</sup>. And they are just the annual allocations.

Mr. Fields: (inaudible)

Ms. Kirkman: STP can be used on secondary roads? All of these allocations are for secondary roads?

Mr. deLamorton: Yes. This is strictly the secondary system.

Mr. Fields: The SSYP, right.

Mr. deLamorton: Right.

Ms. Kirkman: For our next meeting, can we have, I understand they are a year old, but can we get the estimates from last year because so in FY2010 there is \$1.9 million. But if we have an estimate from a year ago and all our projects are \$6 million, we already know where we are... we just need some ballpark.

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Mr. deLamorton: Right. And, in fact, Ms. Kirkman, I am hoping by the next meeting I will have a fresh SSYP document. We are now in contact with the Residency Administrator to get that draft document to us. So, we should have that for you.

Ms. Kirkman: And, if someone comes in having seen the notice for the public hearing and wanting more information, what is it that they will be given?

Mr. Harvey: They will be given the information we have in your packets here.

Ms. Kirkman: Okay.

Mr. Fields: Alright, does the Commission need to... do we want to wait and talk about this at the public input stage? Or does anybody have any thoughts about it now? Alright, I think we are good at this point.

Mr. deLamorton: Thank you Mr. Chairman. And at the next meeting I will have a presentation to go through for the public hearing.

Mr. Fields: Thank you very much Mr. deLamorton.

Mr. deLamorton: Thank you.

Mr. Fields: Well, that takes us up to I believe the only remaining item I believe on our work session which is the Woodstream, if I am getting that correctly. Approval of minutes. I think we have got everything else taken care of.

- b. Electronic Signs (Awaiting revisions from County Attorney) (**Time Limit: July 1, 2009**)
- e. 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)
- f. Establishment of Time Limits for Plans (Awaiting revisions from County Attorney)

5. Review of Pending Rezoning/Conditional Use Permits

None

6. Review of Pending Subdivision Plans

- a. SUB2800611; Woodstream V, Preliminary Subdivision Plan - A preliminary subdivision plan for 124 single family attached residential units and an area reserved for future multi-family dwelling units, zoned R-2, Urban Residential, consisting of 28.8 acres of the total 142 acres of the Woodstream subdivision, located on the east side of Staffordboro Boulevard approximately 2,400 feet north of Garrisonville Road on Assessors Parcel 21-8F within the Aquia Election District. (**Time Limit: May 13,**

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**2009) (History - Deferred at February 18, 2009 Regular Meeting to March 4, 2009 Work Session) (Deferred at March 4, 2009 Work Session to April 1, 2009 Work Session)**

Mr. Fields: We deferred the Woodstream to a committee of Ms. Kirkman and Mr. Mitchell so I am going to look to them to see where we want to move from this point.

Mr. Mitchell: Mr. Chairman, due to some work constraints, I have not been able to meet. I was planning on actually meeting next week in reference to this and with Ms. Kirkman's assistance to see what we can work up.

Mr. Fields: Okay. I believe Ms. Kirkman has some issues that we need to discuss with counsel in closed session regarding this.

Ms. Kirkman: And I did ask staff to compile some additional information which I believe has been passed out.

Mr. Schultis: If need be, Mr. Chairman, I can, understanding your time period, give a very brief update of the information that you requested in the last meeting plus the additional information requested by Ms. Kirkman.

Mr. Fields: The additional information is this here?

Mr. Schultis: The very colorful document.

Mr. Fields: Okay. Do we need to look at that very briefly here before we go into closed meeting? No? Okay. The closed meeting, just so the public watching in here understands, we are restricted very tightly on what we can do in closed meetings so I want to make sure that nobody has the impression that we are just shutting the public out of a discussion they would otherwise be a participant to. These are very specific reasons that have to do with legal advice that has to be, for reasons of that that type of competitive situation where we maybe have liability or have issues brought up, we need to have legal advice and we are entitled to have legal advice in private. Certainly, I can guarantee that we do keep a very tight ship there, we do not discuss anything outside of the very specific issues that we are bringing to the public. I am sure you would assume that but I just want to personally guarantee, as would every other Commissioner and staff, that we work very diligently to keep ourselves on task and on point. So, I have a resolution here to authorize a closed meeting. Whereas the Commission desires to consult with counsel and discuss in closed meeting regarding legal advice, Woodstream Preliminary Plan, and pursuant to Section 2.2-3711A.7 of the Virginia Code such discussions may occur in closed meetings. Now, therefore, be it resolved that the Commission on this 1<sup>st</sup> day of April, 2009, does hereby authorize discussion of the aforesaid matters in closed meeting. Is there a second?

Mr. Rhodes: Second.

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

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

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Ms. Kirkman: Yes.

Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: Yes. Alright.

CLOSED MEETING: 6:25 p.m. until 6:57 p.m.

Mr. Di Peppe arrived at 6:41 p.m.

Mr. Fields: We have a resolution to certify that actions of the Stafford County Planning Commission in a closed meeting on April 1<sup>st</sup>, 2009. Whereas, the Commission has on this 1<sup>st</sup> day of April, 2009, adjourned into a closed meeting in accordance with a formal vote of the 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 law, now, therefore, be it resolved that the Stafford County Planning Commission does hereby certify, on this the 1<sup>st</sup> day of April, 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 Commission. No member dissents from the aforesaid certification. Do I have a motion?

Mrs. Carlone: I make a motion.

Mr. Fields: Motion by Mrs. Carlone.

Mr. Mitchell: Second.

Mr. Fields: Second by Mr. Mitchell. All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Ms. Kirkman: Yes.

Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: Yes. Opposed? Alright, the closed meeting is certified. Mr. Mitchell, do you have a motion?

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Mr. Mitchell: Mr. Chairman, I would like to present a motion to defer these issues to the next regularly scheduled Planning Commission meeting due to additional legal considerations.

Mr. Rhodes: Second.

Mr. Fields: Alright, motion by Mr. Mitchell, second by Mr. Rhodes. Any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Ms. Kirkman: Yes.

Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: Yes. All opposed? Alright, the motion carries. We have one quick meeting then we can go on break for our meal. We have approval of work session minutes, February 4 Work Session minutes.

- b. WAV2900031; Woodstream V, Waiver of Section 22-143 of the Subdivision Ordinance  
- A request for a waiver to modify lot width to lot depth ratio requirement of Section 22-143 of the Subdivision Ordinance related to certain townhouse lots in Woodstream (lots 247-250, 253-256, 260-262, 265-268, 272-275, 278-281, 272-275, 278-281, 284-287, 290-293, 306-309, 312-315, 318-321, 338-340, 343, 344, 353-356, 359-362, 365-368, 371-374, 377-380 and 383-386). **(Time Limit: May 13, 2009) (History - Deferred at February 18, 2009 Regular Meeting to March 4, 2009 Work Session) (Deferred at March 4, 2009 Work Session to April 1, 2009 Work Session)**

7. Review of Proposed Comprehensive Plan Amendments

None

9. Approval of Minutes

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Mr. Mitchell: Motion for approval.

Mr. Fields: Motion for approval by Mr. Mitchell.

Mr. Rhodes: Second.

Mr. Fields: Second by Mr. Rhodes. Any discussion, additions, deletions?

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Ms. Kirkman: Mr. Chair, I am just going to abstain from voting.

Mr. Fields: Okay. Alright, all those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Mitchell: Yes.

Mr. Fields: Yes.

Mr. Howard: I have to abstain as well because I was not present for that meeting.

Mr. Di Peppe: If I was not present I have to abstain?

Ms. Kirkman: Yes, you cannot (inaudible).

Mr. Di Peppe: Alright, I am sorry, I will have to abstain.

Mr. Fields: Were you absent too?

Mr. Di Peppe: I believe I was. I am sorry.

Mr. Fields: We did get four. I think by attrition we still have four votes to pass so we can approve. The highly controversial process of the minutes of the work session. Alright, we stand in recess until 7:30.

10. Adjournment

With no further business to discuss, the meeting was adjourned at 7:00 p.m.

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Peter Fields, Chairman  
Planning Commission

**STAFFORD COUNTY PLANNING COMMISSION MINUTES**  
**April 1, 2009**

The regular meeting of the Stafford County Planning Commission of Wednesday, April 1, 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, Di Peppe, Mitchell, Rhodes, Carlone, Howard and Kirkman

MEMBERS ABSENT:

STAFF PRESENT: Harvey, Nugent, Roberts, Stinnette, Stepowany, Schulte and Forestier

E. Declarations of Disqualification

None.

F. Public Presentations

None.

3. SUB2800611; Woodstream V, Preliminary Subdivision Plan - A preliminary subdivision plan for 124 single family attached residential units and an area reserved for future multi-family dwelling units, zoned R-2, Urban Residential, consisting of 28.8 acres of the total 142 acres of the Woodstream subdivision, located on the east side of Staffordboro Boulevard approximately 2,400 feet north of Garrisonville Road on Assessors Parcel 21-8F within the Aquia Election District. **(Time Limit: May 13, 2009) (History - Deferred at February 18, 2009 Regular Meeting to March 4, 2009 Work Session) (Deferred at March 4, 2009 Work Session to April 1, 2009 Work Session)**

Mr. Fields: We do have one piece of carry-over business from the work session. We need motions for deferrals for the Woodstream Subdivision issue we need a motion for the deferral of the preliminary subdivision plan and a motion for deferral of the waiver, request for a waiver.

Mr. Mitchell: Mr. Chairman, I would like to make a motion to defer SUB2800611, Woodstream V, Preliminary Subdivision Plan, to the next regularly scheduled Planning Commission meeting due to additional legal considerations.

Mr. Fields: Motion by Mr. Mitchell. Is there a second?

Mr. Rhodes: Second.

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

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Ms. Kirkman: Yes.

Mr. Mitchell: Yes.

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Mr. Howard: Yes.

Mr. Fields: Yes. All opposed? Alright, the motion passes 7 to 0.

4. WAV2900031; Woodstream V, Waiver of Section 22-143 of the Subdivision Ordinance - A request for a waiver to modify lot width to lot depth ratio requirement of Section 22-143 of the Subdivision Ordinance related to certain townhouse lots in Woodstream (lots 247-250, 253-256, 260-262, 265-268, 272-275, 278-281, 272-275, 278-281, 284-287, 290-293, 306-309, 312-315, 318-321, 338-340, 343, 344, 353-356, 359-362, 365-368, 371-374, 377-380 and 383-386). **(Time Limit: May 13, 2009) (History - Deferred at February 18, 2009 Regular Meeting to March 4, 2009 Work Session) (Deferred at March 4, 2009 Work Session to April 1, 2009 Work Session)**

Mr. Mitchell: Mr. Chairman, I would like to make a motion to defer WAV2900031, Woodstream V, Waiver of Section 22-143 of the Subdivision Ordinance to the next regularly scheduled Planning Commission meeting due to additional legal considerations.

Ms. Kirkman: Second.

Mr. Fields: Moved by Mr. Mitchell, second by Ms. Kirkman. Any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Ms. Kirkman: Yes.

Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: Yes. Opposed? The motion passes 7 to 0.

DECLARATIONS OF DISQUALIFICATIONS:

Mr. Fields: That brings us to Declarations of Disqualifications. Does any Commissioner have a declaration of disqualification for any matter pending before the Commission this evening? Alright.

PUBLIC PRESENTATIONS:

Mr. Fields: This brings us to public presentations. Since there is quite a number of you here, I need to make sure that we are all clear. The Planning Commission, like the Board of Supervisors and actually somewhat unlike many jurisdictions, provides a comment time on any topic of concern to the general public. We call this our public presentations. Now, the public presentations exclude any item scheduled for a public hearing. So if you are here to speak on the Conditional Use Permit of the SPCA or the Comprehensive Plan Compliance Review, this is not your time to speak. However, any other topic every citizen is allowed three minutes at the podium. If you wish to speak on any other topic you can come to the podium, you need to state your name and address clearly for the record and then the green light will come on there at the podium, when the yellow light comes on you have one minute and when the red light is on you are basically out of time, so everybody has that privilege. Is there anyone at this point that would like to speak on any item other than the two scheduled public hearing items?

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Alright, this is your chance. We are listening. Alright, thank you very much. With that we will close the public presentations and then will move to the public hearings. The first public hearing before us is Conditional Use Permit Stafford SPCA.

PUBLIC HEARINGS:

1. CUP2800697; Conditional Use Permit - Stafford SPCA - A request for a conditional use permit to allow a use not listed within an A-1, Agricultural, Zoning District, specifically an animal shelter, consisting of 10.15 acres, located on the west side of Andrew Chapel Road approximately 2,800 feet south of Courthouse Road on Assessor's Parcel 39-102B within the Aquia Election District. **(Time Limit: June 30, 2009)**

Mr. Harvey: Mr. Chairman, Commissioners, please recognize Joey Hess for the presentation.

Mr. Hess: Thank you Mr. Chairman. Thank you Mr. Harvey. Agenda item number 1, Stafford SPCA. SPCA stands for Society for the Prevention of Cruelty to Animals. The case number is CUP 2800697. The applicant is the Board of Supervisors. The property owner is Mr. William Hoyt who is leading up this project. The parcel that this proposed project is located on is 39-102B. It is on approximately 10.15 acres. The location of the property is west of Andrew Chapel Road approximately 2,800 feet south of Courthouse Road. The request is to allow an animal shelter as a use not listed within the Agricultural Zoning District or anywhere else in the county ordinance. The existing site, as you can see right here highlighted in the blue, is the parcel of which the proposal is looking to locate. There is the existing structure which I will talk about later in my presentation. I show with the white arrows the site access, it goes along pretty much the property line here, follows up along the terrain here, it is a gradual sloping easement that goes up to the SPCA site which kind of sits up on top of a hill at the end of the easement. And, as you can see, the character of the existing area is large lot residential subdivisions anywhere from three or more acres. Here is a picture of the zoning map. If you cannot see it, it is pretty much all light green which represents the A-1 Agricultural Zoning District. As you can see, the subject property and the surroundings properties within a certain mileage, or square mileage, is all zoned Agricultural. The proposed land use, which is in a light yellow color, stands for Rural Residential Land Use which under the land use section of the Comprehensive Plan permits residential development of maximum density of one dwelling unit per three acres. The light blue here represents Resource Protection Area which obviously does not come across the parcel. The existing structure was formerly the Brooke Nursing Center. The Center has been around since the 1960's and it operated until as of late in September 2006. The structure is approximately 8,000 square feet. It provided approximately 30 to 35 beds for patients. The facility is located on the northeast side of the subject property. The facility access is by means of the 30 foot ingress/egress easement which it is at the end of that easement. Site access, as you approach, has a steep approach and the rest of the site, when you come down from the structure across the rest of the property going from east to west, gradually slopes downward. The existing transportation conditions, as mentioned before, it is located off a 30 foot wide private access easement. This easement currently serves three residential properties and a commercial business. The width of the pavement ranges from 10 feet at the front of the easement and as you drive back it gradually opens up to 16 feet, at which point you get to the top of the site, the end of the easement is 16 feet wide. There is a concrete bridge near the intersection of Andrew Chapel Road, you can actually see it as you are passing Andrew Chapel Road, if you look over to your right or left you can see that bridge up front. I would say it is approximately 15 to 20 feet off the edge of the right-of-way of Andrew Chapel Road. The condition of the bridge is unknown. The county ordinance requires all travel lanes have a minimum width of 20 feet. This is something that will be addressed later on. All requirements will have to be met prior to the issuance of any occupancy permit for the proposed use. The site is currently served by a private well. The condition

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of the well is going to have to be, I would not say upgraded, but maintained and it has to be brought back up to standards. As you will see, the Virginia Office of Drinking Water will have jurisdiction of this proposal and they have visited the site and they made mention to the fact that the existing private well will have to be brought back up to their standards since it has been dormant or not in use since 2006. So, the SPCA will have to go through that process to bring it back into compliance. Because of the generated need from the proposed facility it is likely that the SPCA will have to likely install a second well. Going on to the septic system, it is currently served by a 5,000 gallon tank. There are multiple distribution tanks and two drainfields that have been located on the property. The Office of Environmental Health, VDH, Virginia Department of Health, will have jurisdiction over the proposal. As you might have noticed in the aerial I showed you earlier, the site is heavily wooded on most sides of the property. There are some parts of it that are not that the property owner is proposing to screen which will be a requirement later on down the process. He will be required to plant trees to help minimize the noise and visual impacts. There is also a proposal by the property owner to build a privacy fence enclosing the entire site. The proposal is set to be built out in three phases. The first phase would be taking the existing nursing center and converting it into a shelter for dogs and cats, offices, meeting rooms, and a veterinary clinic. The shelters for the dogs would house approximately 12 to 14 adult dogs and the shelters for the cats would house approximately 40 to 60 cats. The next part of the phase would be the development of the dog park and memorial garden with walking paths and picnic areas. There is a site map I will be showing you after this phasing that shows all this but the proposal for the dog park is to be fully fenced and is approximately 2 to 3 acres in size. And the final piece of the first phase here is to construct a three-vehicle garage, one utility shed and other ancillary structures. The three-car garage is to store animal transport vehicles and the utility shed is more or less for storage of supplies and other equipment. The second phase of this proposal is to construct the first dog kennel which would come off of the existing structure. It would be merely perpendicular and adjacent to it. This would help separate the cats and dogs in the existing building from the first phase. The kennels to be built are approximately 6,000 to 7,000 square feet and are to house approximately 50 to 60 adult dogs. There is also a proposal in this phase to construct one barn. It is to be 6 to 8 stalls for horses, livestock and/or giant dog breeds. Surrounding the barn will be three double-fenced paddocks. Then the final piece of the proposed second phase will be an aviary with a wildlife rehab building. The size of the aviary will be the size of a large shed. The rehab building would be approximately 3,000 to 4,000 square feet in size and it would be used to house birds, foxes, raccoons, wildlife in general. And the final phase would be to construct a second dog kennel which would come off of the first kennel, kind of connecting all these buildings as you will see here in the site overview. And this will be 6,000 to 7,000 square feet in size and house approximately 50 to 60 adult dogs. I tried to do my best job here as far as showing you the layout of where everything is going to go. This is the easement coming off, I did a little north arrow right here. It is flipped upside-down to what I showed you earlier. This is the design that was given to us from the property owner. Here is, as you are coming up the easement, you wrap around and the first thing you will see is the existing nursing home. You will see a proposed storage building right in this area and a dumpster right there. The first kennel right here coming off the existing building, there is a bath storage right in between that is going to connect the second kennel. That is the third and final phase. In the corner over here is the proposed memorial garden and all these little paths you see here on the outside is the walking path. There are picnic tables here and as you will see, looking at the kennels, the applicant is providing the outdoor runs right here in between what are some more proposed screenings and vegetation to help with the noise and the visual impacts. Moving along up the property, this is where the proposed garage where the animal transportation vehicles will be located. Right here will be the aviary and the wildlife rehab building. You have right here the barn with three paddocks, large paddock, paddock 2 and paddock 3. You see the double fencing indicated there, additional screening where there is not enough screening. The dog park will be located at the south end of the property and it is broken into two sections, one for larger breeds and one for small breeds. It has a pavilion in between and some water stations and so on and so forth. There is a lot of

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utilization of the property here. The proposed conditions, staff has put together approximately 20 conditions I believe. It would ultimately limit the hours of operation on the structures when they are open to the public, when the animals are allowed outside in the runs, and limit the hours of operation of the dog park, when the public can bring their dogs to the dog park. All structures shall be insulated and acoustic material shall be used to minimize the noise, and all existing and proposed structures will be cleaned and disinfected on a daily basis. All structures will be located at a minimum of 50 feet from the property line. Lighting, as proposed, shall be directed downward and inward away from adjacent properties. Transitional screening enhancements, there is going to need to be some done to the property since it is not entirely screened from abutting property owners or adjacent properties, will consist of at least 50 percent evergreens so they will keep green year round. Because of the proposed fence and the walkway, staff has put a condition in limiting the removal of certain sized trees which is spelled out in the conditions. Safety will be ensured by requiring the building to meet modern standards that comply with the National Fire Protection Association standard number 13. That more or less has to do with sprinkler systems inside the building, and, of course, certification of the existing concrete bridge to support the weight of emergency apparatus. Earlier I mentioned that the condition of the bridge is unknown. Staff is requesting that the property owners submit paperwork that the structure and integrity of that bridge can hold approximately 35 tons of weight which is the weight of a fire engine. And, finally, to sum up the conditions, the CUP may be revoked and the conditions amended by the Board of Supervisors for any violation of Federal, State and County codes. As part of the evaluation criteria, staff has asked to look at Section 28-185(d) of the Stafford County Zoning Ordinance which modifies, it does not list them out word for word, but it summarizes those six criteria standards that this project is held against and in staffs' review we felt it met the requests for the standards of issuance for this permit. Continuing on with the evaluation criteria, staff does make note that there are positive aspects to this project and the fact that it may relieve the work load on animal control shelters and will not rely on the county services for its upkeep. It may provide a community service to the citizens by providing a dog park and passive recreational uses. And the recommended conditions may offset potential impacts. Staff did recognize that there were negative aspects to this proposal as well, potential noise, odor, visual, light and transportation impacts on adjacent residential properties. And, of course, the property is not conveniently located near the majority of the county's population which is in the Urban Service Area. With that, staff recommends approval of the application on the balance that it meets the standards of issuance for a CUP and recommends approval with the conditions specified in Resolution R09-157. I am here to answer any questions you might have. As I stated, Mr. Hoyt is here as well to assist in answering questions that I may not be able to answer.

Mr. Fields: Alright, at that point are there any questions for staff?

Mr. Howard: Yes. What are the proposed hours of operation? Is there a specific proposal on that?

Mr. Hess: There are. Which hours of operation? There are three different conditions we put in there. We put hours of operation on when the buildings can be open to the public, we put hours of operation on when the dogs can be outside the kennels and we put hours of operation on the dog park.

Mr. Howard: Why don't we go through all three.

Mr. Hess: Sure. The second condition states that all animals must be secured in all existing proposed structures by 9 p.m. No animals shall be permitted in the outside runs between the hours of 9 p.m. and 7 a.m. The third condition speaks to the hours of operation for all buildings shall be from 9 a.m. to 9 p.m. Monday through Saturday and the buildings shall be closed to the public on Sunday. And then the hours of operation for the dog park shall be from 9 a.m. to dusk daily.

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Mr. Howard: Okay. On the access road that you showed on your rendering, there is also another business that operates and uses that road, is that correct?

Mr. Hess: Correct, yes.

Mr. Howard: And is that Kent's Cars?

Mr. Hess: Yes it is.

Mr. Howard: So, there is Kent's Cars and there is also East Coast. Are those two separate?

Mr. Hess: I am not familiar with the East Coast. I have only seen the Kent's commercial.

Mr. Howard: It is on the same sign. I am sure one says Kent's Cars and one says East Coast Auto Parts and Accessories. Is that the same business?

Mr. Hess: I saw some correspondence from VDOT when they were looking over this project for certain items and they did mention two businesses. I guess East Coast is the second business and I am not entirely familiar with it. I have seen it as I drive up the easement, you can see Kent's Garage and where the East Coast is in relation to that I am not sure.

Mr. Howard: Okay. And then are there two residential homes also utilizing, I call it a pipestem, I do not know if that is the right terminology, that same easement?

Mr. Hess: When you come up the property there is a house to the left and there is another road that...

Mr. Howard: The house to the left is 142 Andrew Chapel Road. Is that house occupied?

Mr. Hess: Yes it is.

Mr. Howard: And then there are two... there is one house that looks like it is abandoned but there is a second house a little further and actually the driveway looks fairly new. But that house is occupied, it is on the left. And as you are continuing to travel up that access road there are two other buildings that could be residential homes, I am not sure. Are those residential homes? They are on the right-hand side.

Mr. Hess: I have seen the garage before, I have seen one house, I am not sure about a second house.

Mr. Howard: One of the homes is visible from Andrew Chapel. I think it is brick.

Mr. Hess: Right, and I believe the Trainors live on that property so I believe that house is occupied.

Mr. Howard: And then the third structure, which is this huge white building, it is hidden pretty well by the trees but that I think is the auto place. So there are three buildings on the right-hand side as you travel up and then you finally get up to the top of that hill and that is where the old nursing home is.

Mr. Hess: Well, you have to keep in mind that when you are going up the easement, there is a turn right there that breaks off the easement and then comes back into it.

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Mr. Howard: Right there where the turn is, it looks like that is the access point to the other three buildings and if you keep going straight the fourth access building would be this subject site.

Mr. Hess: Right, and then that road comes back into the main easement, or this 30 foot easement we are talking about, right at the base where it starts to go up and you get onto the SPCA site.

Mr. Howard: This is just so I understand. The business that is operating there, that is A-1 also. Is that correct?

Mr. Hess: That is correct.

Mr. Howard: So, are they operating under a CUP?

Mr. Hess: I know they are grandfathered. I believe there are conditions in place, I have not looked into seeing what those conditions are, but I know that business has been around long enough to know that it is grandfathered in even though it is A-1 on the property.

Mr. Howard: Okay. I will hold the rest of my questions. Thank you, I appreciate it.

Mr. Fields: Anyone else have a question? Mr. Di Peppe?

Mr. Di Peppe: I noticed on attachment 4, page 2, at the very top that the Generalized Development Plan requirements to be waived for the SPCA project, the first bit of text there, "owner of property had a general overview and landscape plan designed by Art and Sign Landscaping. Art and Sign Landscaping is not qualified and authorized to perform such professional work in accordance with the applicable provisions of the Code of Virginia". Why are we having somebody who is not qualified, why are we accepting a plan by someone who is not qualified to do the plan?

Mr. Hess: Since the county is the applicant and we do not have the funds to go out and hire a professional engineer that is certified by the State that can do this work, we are relying on the resources the property owner gave us in this case.

Mr. Di Peppe: Okay, and then right underneath that are nine things that are missing. "Number 1, missing the legend for all symbols used, name of applicable, name of owner. Two, no vicinity map showing the general location of the proposed development (located on recorded plat). Three, no approximate locations and identification of any easements or right-of-ways on or abutting the site; "access road to property" is an easement, but is not identified as such (located on recorded plat). Number or stories, height, roof line, gross floor area and location of building entrances and exits are not identified on existing and proposed structures. Five, missing the identification and location of uses and structures on all abutting properties (located on recorded plat). Six, missing loading areas, outdoor trash storage, lighting facilities. Seven, missing height and type of proposed fences (discussed on submitted disc). Nine, no proposed signage on site and there's no proposal to place a sign on any of the existing or proposed buildings; existing sign frame on Andrew Chapel Road is proposed to be utilized by the SPCA however not identified on GDP." Even though we are the applicant and we have a staff and we do these types of plans all the time, we did not provide any of the information that we require everybody else to provide? And also down here on the first page of the attachment, the justification is "staff has determined that the information not shown on the Plan is covered in the impact statement, which is another component of this application, and other materials submitted by Mr. Hoyt. Therefore, the waiver is approved due to the fact that any missing technical information not shown on the Plan will be represented by other components of the application." Can you show me

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where all this is in the other parts of the Plan, all this missing information? It says we are not going to make you do it because it is somewhere else. Where is it?

Mr. Hess: After this GDP was sent out, I did work with Mr. Hoyt to have him submit another version of his Generalized Development Plan. We were able to tackle some more of these, just not all the technical (inaudible).

Mr. Di Peppe: I know, but the thing says the justification for not requiring it is because it is all in here already somewhere else. What I am saying is, as long as I have been on the Planning Commission, we require the same thing of everybody. It has nothing to do with what the CUP is and, in total fairness, so that the next person does not come up and go I do not have to do this. So, I am just wondering why are we being so... all I am saying is just provide the information that we require for everyone else. Be fair across the board.

Mr. Fields: Your question is for him to show us where...

Mr. Di Peppe: Where it is. Where each is because I could not find them.

Mr. Fields: Okay.

Mr. Hess: Well, I did make mention on some of the stuff you see in parenthesis where I say located on recorded plat for the general vicinity map showing the general location of the proposed development. That was...

Mr. Di Peppe: Well, just take number 1, missing legend for all symbols used, name of applicant...

Mr. Hess: That was not information that was obtained. The symbols, if you look at what was submitted, everything is labeled. As far as symbols are concerned I am not sure what symbols you would need in that particular case because...

Mr. Di Peppe: Just the same symbols we ask everyone.

Mr. Hess: Right. People in our staff that reviewed this could make out where the proposed buildings were going to go, the walking trails, the picnic tables, the proposed screening along the part of the property where there is not significant screening. (Inaudible).

Mr. Di Peppe: We are asked to make a determination and so whenever we have a CUP we get all of this information so that we can look at it and go yeah, that's right, that's right, okay they have got that, and there is a whole lot of that missing. I hear that because we are the applicant we do not have to do it and I think that is the exact wrong message we need to send to the public. I think we need to do...

Mr. Fields: That is not a question.

Mr. Di Peppe: Excuse me. Well, I am still looking for the information.

Mr. Rhodes: On item 1 for the information though there are not unmarked symbols on the site plan that I see here. They have a label to most every item. Many times they do not have that and so we have a legend that helps us identify those things. But in this case, I am trying to find one that is not necessarily marked with a title specifically next to it.

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Mr. Di Peppe: I just had some other questions for Mr. Hoyt when we get done but that is all for staff.

Mr. Fields: For staff? Okay. Mrs. Carlone and then Ms. Kirkman.

Mrs. Carlone: Just very quickly. Could you, when you are getting that information that we normally get, could you also include the topo? Because I have been out to the site and there are some slopes there and could you please add that request?

Mr. Hess: Sure.

Mrs. Carlone: Also, while you are doing that, originally it says here there is only one drainfield, but can you have the others identified? You said some have been found since (inaudible).

Mr. Hess: Right. I have been out to the site and Mr. Hoyt walked me around because there was digging to see where the distribution boxes were at and where the pipes underground, the drainage pipes, were located. They were all staked out there with the orange flags. Once again, at the time when this was done I do not think the work had been done as far as locating the distribution box and the pipes but, once again, Mr. Hoyt might be able to better speak to the locations of all that on the property.

Mrs. Carlone: Thank you.

Ms. Kirkman: I have a number of questions. Going back to the GDP, you stated all the information or the justification for the GDP was that all the information was contained elsewhere in the application. And, typically on a GDP, RPAs are marked and I did notice on one of the slides there is a blue line stream on there. Has there been a field delineation of an RPA?

Mr. Hess: There has not. I did take one of our environmental planners out to the site and, of course, they made mention to this particular person and they looked on their GIS to see if that blue line you are talking about was an RPA feature and it was determined it was not an RPA feature. So, that was looked into.

Ms. Kirkman: Okay. One of the things that is shown on the GDP is typically the height of buildings. Where is that contained in the application?

Mr. Hess: It is not. The only information we have is the size of kennels and the rehab center. Height was not discussed, just square footage of the buildings.

Ms. Kirkman: Another important feature of the GDP is how much impervious surface area there is and there is an open space ratio. What is the impervious surface area of this project?

Mr. Hess: I am not sure. That information I do not have.

Ms. Kirkman: And, in terms of the GDP, I would like to hear what the thinking was that it really was not needed in this application when the administrative waiver was granted. And I know you did not make that decision so if you need to defer to the Planning Director that is fine.

Mr. Hess: Okay.

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Mr. Harvey: Yes, Mr. Chairman. The code allows the Planning Director to make waivers for all or a portion of the provisions in the code dealing with General Development Plans, basically, for information that the Director deems it be necessary for review of the application. Based on the other information we have from the applicant at the time and the sketch layout he has provided, in my opinion it was ample information for consideration of the application.

Ms. Kirkman: Mr. Harvey, is it your position that the height of buildings and the impervious surface area are unimportant to these considerations?

Mr. Harvey: The impervious surface area, that is a site plan issue and they will have to address it because it is an Ordinance requirement. Normally, we would not focus on that in terms of a General Development Plan. In the case of the building height, in the A-1 zone you are limited to 35 feet for the maximum height. Just knowing what I know about kennels, typically they are a single-story building. I have not really seen a multiple-story kennel before. That could be a possibility but in the context of the layout of the concept plan, I did not think that was a significant issue.

Ms. Kirkman: Thank you. How many parking spaces are going to be provided?

Mr. Hess: I believe, I did not count them up but there is going to be approximately 8 to 10 for staff which is located below the first dog kennel, and then approximately it looks like anywhere between 30 and 40 spaces for the rest of the property.

Ms. Kirkman: Have they proffered that?

Mr. Hess: Those parking spaces? No, they have not been proffered in the conditions. Once again, that is going to be another site plan issue that comes up as far as the amount of the impervious surface and what is being shown here is going to be parking requirements that go with that.

Ms. Kirkman: And how many trips per day is this going to generate?

Mr. Hess: The trips per day, our Transportation Department put together that it was going to be approximately 478/480 trips per day. And that was taking into consideration the number of employees that are going to be either hired full-time or part-time that was mentioned in the impact statement. The best comparable use that our Transportation Department was able to come up with is a zoo and so, in their opinion, when they did this ITE manual comparison of uses, they figured this was the best use and they feel they are somewhat overstating the generation rates. Of course, they are taking into consideration the number of volunteers that may be coming and going to this site as well in addition to the public and so on and so forth.

Ms. Kirkman: So, 480 trips per day on a private access easement?

Mr. Hess: That is correct.

Ms. Kirkman: And, how much square footage is there in the paddock areas?

Mr. Hess: That I do not know. The best I could do is compare it to the dog park and the dog park is approximately 3 acres. That level of detail of the paddocks I do not know. That might be something that Mr. Hoyt can answer.

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Ms. Kirkman: Okay. And the assessment of staff was that that was in accordance with the Comprehensive Plan which is a rural residential use. Could you please explain to me how this commercial kennel use is consistent with that.

Mr. Hess: We looked at the conditions that we were placing on there. We tried to take in perspective what the area is like and, as we mentioned in the criteria, we talked about how the property sits on 10 acres and as you look around the property you do see a lot of existing trees there. I did make mention that aside from, I believe, six homes which were mentioned in the report that one residency is approximately 200 feet away from the property line and then there is about five others that are 300 feet away from the property line. Most of them were 400, 500 and 600 feet away. So, to make the idea that it is in a remote kind of isolated area away from its surrounding residential properties and with conditions, the fencing, the additional screening, the insulation in the buildings, limiting the hours, with the conditions we were really trying to say that a lot of the impacts, we understand that they are not going to be completely gone and away with. Any type of development you have go there is going to have some kind of impact. We tried to really get the conditions to mitigate the impact as best as possible.

Ms. Kirkman: Sure, you have told me what the plan is to mitigate the impacts but could you please say what the Comprehensive Plan definition of rural residential is and how this fits in that definition?

Mr. Hess: Sure. It says right here, rural residential: "Areas which are not served by public utilities, are generally characterized by limited road networks, and have limited access to community facilities. Permits residential development at a maximum density of one dwelling unit per 3 acres."

Ms. Kirkman: Is this a residential use?

Mr. Hess: This is not a residential use.

Ms. Kirkman: Thank you. Then, on the well, how many gallons per day does that well now produce?

Mr. Hess: That information I do not know. Mr. Hoyt can probably answer that for you.

Ms. Kirkman: And, how many gallons per day will this facility need?

Mr. Hess: That I am not aware of either.

Ms. Kirkman: Similarly, how many gallons per day of waste will be produced?

Mr. Hess: Once again, Mr. Hoyt will answer that for you.

Ms. Kirkman: Okay. And then, in terms of advertising, I had some questions about advertisement of this. On the advertising, typically it lists the subdivision number, the name and it gives some descriptor line. Usually it is the name of the applicant. But I just wanted to clarify, and you may need to defer to Mr. Harvey about this, this was described as the Stafford SPCA. Who is the applicant?

Mr. Hess: The applicant is the Board of Supervisors.

Ms. Kirkman: And who is the property owner?

Mr. Hess: Mr. William Hoyt.

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Ms. Kirkman: And, so why was it advertised as the Stafford SPCA?

Mr. Hess: I will have to defer.

Mr. Harvey: I would have to look at the ad to see if there are any issues. I am not familiar at this moment with the advertisement but we can check that and talk to the attorneys to see if they see any issues with the advertisement.

Ms. Kirkman: Is the text that we have in the description for the public hearing the same text that appeared in the advertisement?

Mr. Harvey: I would have to verify that because I do not have a copy of the ad with me.

Ms. Kirkman: Okay, is the SPCA the only thing that is going to operate on this property?

Mr. Hess: That is all that I am aware of, is that the SPCA is going to be operating on the property. It is going to be leased to them and they are going to operate it.

Ms. Kirkman: So the SPCA is going to charge fees for the trails? That part is going to be operated by the SPCA?

Mr. Hess: That I do not know.

Ms. Kirkman: At least in the text that we have, it lists the only use as being the animal shelter. Is there any other use for this property other than an animal shelter?

Mr. Hess: I would have to defer to County Attorney on that one.

Ms. Kirkman: You are the planner, you can tell us whether or not there are other uses other than the animal shelter.

Mr. Hess: As far as the animal shelter is concerned, it is a use not listed in the Ordinance and animal shelter was the word that was taken off of the submitted by-right proposal, and it read animal shelter and animal sanctuary. I know that is a source of where we pulled it from and it was put in the ad and viewed by various departments before it went to advertisement.

Ms. Kirkman: Okay. What is the definition of an animal shelter?

Mr. Hess: I do not have the exact definition in front of me. It is not a definition that is in the Ordinance.

Ms. Kirkman: So, the animal shelter is the non-listed use because typically when there is a non-listed use, we have seen uses like tattoo parlor, federal prisoner re-entry house, weapons armory, what is the non-listed use here?

Mr. Hess: The non-listed use is the proposal.

Ms. Kirkman: Is the entire proposal.

Mr. Hess: Correct.

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Mr. Harvey: As we are defining it, it is an animal shelter. An animal shelter is not a listed use anywhere in our Zoning Ordinance, that is why it comes under Section 28-37.

Ms. Kirkman: Okay. And how does an animal shelter differ from a kennel?

Mr. Harvey: The Zoning Administrator looked at it differently from the standpoint that a kennel typically charges fees. It is a business more so than a situation where you may drop off an animal to be taken care of but you are not charged for it. Kennels often times breed animals for pecuniary sale and in this case you would not have that situation.

Ms. Kirkman: But the application does state that fees are going to be charged for some services. So, if that is the only distinguishing feature is whether or not fees are charged, if you could further elaborate on the difference between this and a commercial kennel.

Mr. Harvey: I can verify with the Zoning Administrator all the factors that went into her determination that this was not a commercial kennel.

Ms. Kirkman: There are some other SPCAs in the greater region. What kind of uses are those listed in in their jurisdictions?

Mr. Hess: From the information, I have not called around to other local jurisdictions to see where the other SPCAs are located. It has been mentioned to me through a memo that was submitted by a citizen that they are located in industrial and commercial areas in other jurisdictions.

Ms. Kirkman: In industrial and commercial areas, not residential areas?

Mr. Hess: I would have to go back and look.

Mr. Fields: I do not mean to interject. I think, to clarify though, the question was actually how are these uses defined. How is an animal shelter defined in other jurisdictions.

Mr. Hess: I am not sure.

Mr. Fields: Is it a listed use in some categories in other jurisdictions and if so, in what content?

Ms. Kirkman: And specifically, the SPCA.

Mr. Hess: Sure, I understand the question. No, I do not know the information to that. That is something I can look into though.

Ms. Kirkman: Okay. And since all of this seems to hinge on it being an SPCA, has the SPCA been incorporated in the State of Virginia?

Mr. Hess: I am not sure I understand your question.

Ms. Kirkman: Is there an incorporated body in the State of Virginia called the Stafford County SPCA?

Mr. Hess: No, there is not.

Ms. Kirkman: Has it received its non-profit tax exemption from the IRS?

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Mr. Hess: That is something that Mr. Hoyt can speak to.

Ms. Kirkman: Is it registered as a charity in the State of Virginia?

Mr. Hess: Once again, that is something Mr. Hoyt can address.

Ms. Kirkman: The application states that they are going to have a wildlife rehabilitation as part of the use. Has the property owner obtained their permit for that?

Mr. Hess: Once again, Mr. Hoyt can answer that question.

Ms. Kirkman: Will there be an on-sight veterinarian?

Mr. Hess: There is a veterinary clinic I suppose so, but Mr. Hoyt would probably be better to answer that question.

Ms. Kirkman: Now, CUPs run with the land, is that correct?

Mr. Harvey: Yes, they run with the zoning of the property.

Ms. Kirkman: Okay, I just wanted to make sure. So, really, if the property changes hands or if for some reason the SPCA does not get incorporated, if this were approved it would still be there with the land, is that correct?

Mr. Harvey: Yes, again it would run with the zoning of the property.

Ms. Kirkman: And then, I tried to get this information today and I just could not get through on the website, but for the BZA I know that before someone could submit an application to the BZA they had to submit proof that all property taxes were paid in full. When this application was submitted, were all the property taxes paid up?

Mr. Hess: They were not.

Ms. Kirkman: They were not.

Mr. Hess: They were not.

Ms. Kirkman: Could you please elaborate on that?

Mr. Hess: At the time when this application was submitted and we were going through our checklist, we did go to the Treasurer's Office and have them provide us with the most up-to-date status of the taxes and it showed there was an outstanding balance at the time from when the property was purchased back in August of 2008. But I can state that as of today...

Ms. Kirkman: Excuse me, what was that outstanding balance?

Mr. Hess: It was approximately \$5,500. It, as of today, has been paid.

Ms. Kirkman: So it got paid today?

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Mr. Hess: It did. I have the information from the Commissioner of Revenue's Office.

Ms. Kirkman: Okay, thank you.

Mr. Hess: You are welcome.

Mr. Fields: Any other questions for staff?

Mr. Di Peppe: Just one more thing. Mr. Harvey, I do not ever remember a waiver of, I have been here a little over three years, the Generalized Development Plan. Did we ever do that before? I have just never seen that happen.

Mr. Harvey: There have been some. Typically, in a case where someone has a house that they are converting into a business or something like that we may have a waiver of certain aspects of it, particularly if they do not have an engineer involved with that particular application.

Mr. Di Peppe: But this broad? I just do not remember anything with this much information.

Mr. Harvey: It has been a few years since we had one that I can recall.

Mr. Hess: I can actually speak to that because I had the Shenandoah Young Chef's Academy which had an exemption from the waiver requirements.

Mr. Di Peppe: Okay.

Mr. Howard: Just one follow-up question. The nursing home that was existing on that property, was that a by-right use in the A-1 agricultural zoning?

Mr. Harvey: A nursing home, I believe, is a conditional use.

Mr. Howard: So that property would have already had a Conditional Use Permit on that to operate a nursing home?

Mr. Harvey: I believe that was grandfathered in.

Mr. Howard: Just as the automotive place that is basically a stone's throw away from this parcel? Is that correct or not correct?

Mr. Harvey: I am not sure exactly when the auto place started, but the county first implemented zoning in 1964. I am not sure if the nursing home pre-existed zoning in the county or the repair place did. For zoning purposes for determining grandfather status we use 1978 as our latest year.

Mr. Howard: Okay, thank you.

Ms. Kirkman: Mr. Chair, I have a couple more. I just wanted to find... the private access easement is significantly more narrow than what is required. Since that runs over other property, have those property owners agreed to allow the private access easement to be widened?

Mr. Hess: Not to my knowledge.

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Ms. Kirkman: Thank you.

Mr. Fields: So, are there any other questions? Mr. Mitchell?

Mr. Mitchell: Joey, if this were approved and made to finality, putting an SPCA in our location, would that assist the county as far as funds that would normally go to an animal shelter there right by the landfill? I am just saying, would it take some of the pressure off our existing animal shelter? And would it be a benefit to the citizens to have a rescue facility in our county?

Mr. Hess: That was one of the positives we noted. One of the positive aspects that we noted was it would help with the county animal control shelter as far as offsetting the pressures they have been getting with the number of dogs and cats that have been going to their shelter and we mentioned that it was not going to be a facility where the county was going to have to ensure its upkeep. So, it does show some positive benefits to the county in what you were stating.

Mr. Mitchell: Okay, thank you.

Mr. Fields: Any other questions?

Mr. Rhodes: Was there an indication in the proposal that they were going to be boarding for fees as if a kennel at this location?

Mr. Hess: No where in the impact statement or information that I received from Mr. Hoyt did they talk about boarding fees.

Mr. Rhodes: In the different research that you did, I am just wondering if you had come across, do you happen to know the size or capacity of the county animal shelter?

Mr. Hess: I believe it is 6,000 square feet but I am not certain about that. I can look into that.

Mr. Rhodes: Okay. Was there any indication as to the timing of the various phases you presented, I think three phases?

Mr. Hess: Right. The way the phasing was phrased in the impact statement, it would be based upon the amount of funds and donations the SPCA can raise.

Mr. Rhodes: Okay. And, lastly, maybe more so just for confirmation from the County Attorney or you or Jeff, but as far as the conditions go of the CUP proffers of the zoning of the land, can the conditions include who may operate there like an SPCA? Can you make it that specific as far as this full packaging could not just go with the land anywhere else?

Mrs. Roberts: CUPs should not be tied to ownership. If you maybe want to tie it to a non-profit entity we could look into that. But no, it should not be tied to a certain (inaudible).

Mr. Rhodes: So, not to ownership but maybe we can further define for the use and the purpose a non-profit entity and what their purpose or intent would be or maybe craft something along those lines?

Mrs. Roberts: Yes.

Mr. Rhodes: Okay, thank you very much. Thank you Mr. Chairman.

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Mr. Fields: Mrs. Carlone, did you have another question?

Mrs. Carlone: Well, I have several for the applicant. Has staff spoken with the Administrator of the county animal shelter?

Mr. Hess: Yes, Mr. Null has been contacted. We have not caught each other on the phone but we have been sending emails back and forth to each other.

Mrs. Carlone: Because I did talk with him about several of the individuals and he did state there would be little affect on the animals. I am making a statement, it is not a question. Sorry Mr. Chair. It is a little bit contrary to the statement here about the benefit because the majority of the animals they pick up are strays and they are not brought in for adoption actually even though they are up for adoption. So, I would like you to maybe talk a little further with him.

Mr. Hess: Sure.

Mrs. Carlone: Thank you.

Mr. Fields: Any other questions for staff? I have a couple here. So, according to your analysis, the best analysis you can come up with on the vehicle trips per day, you came up with... I am sorry, what was that number?

Mr. Hess: Four hundred seventy eight, four hundred eighty, somewhere in that area (inaudible).

Mr. Fields: And you said that was using a zoo, not an animal shelter? What use exactly in the ITE manual did you get that number from?

Mr. Hess: That was the best use that the Transportation Department could find. They could not find anything with animal shelters, non-profit entities...

Mr. Fields: Really? The whole ITE manual?

Mr. Hess: Yes, the whole ITE manual, three volumes of it. I sat right there with staff and looked into that and that was the best they could find.

Mr. Fields: Were you able to find or had you thought about talking to comparable SPCAs and seeing what their actual or estimated vehicle trips per day were?

Mr. Hess: I did not. I know Mr. Hoyt did take a trip up to Arlington to look into what they had as far as traffic generations because in doing this process we did ask Mr. Hoyt to go out and get this information since he is most tied to this application and try to get that information to us. I know he came back and asked those questions that I was asking as far as getting trip generation rates for these types of facilities. It is so variable, it just depends on the size and how many people actually utilize it. There are a lot of factors that you cannot really pinpoint it down to how many vehicle trips per day are going to be occurring on this private access easement.

Mr. Fields: What is the current vehicle trips per day on that stretch of Andrew Chapel Road?

Mr. Hess: On Andrew Chapel Road or the easement?

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Mr. Fields: On Andrew Chapel Road.

Mr. Hess: That I do not have in front of me. I can look into that.

Mr. Fields: So, on the existing private access easement, do you know?

Mr. Hess: I do not know. I do not think they do counts for that, on the easement.

Mr. Fields: You normally would not have that because it is not a state road.

Mr. Hess: Right.

Mr. Fields: Unless our own department did a count you would not have that number, unless you had some anecdotal information. I am assuming there is not a tremendous amount particularly with the nursing home closed one would assume it is not huge. Does the county, if we assume that the CUP is granted and the site plans go through and the structure in some form is built and begins to operate as a non-profit animal shelter, is there any oversight or regulatory responsibility that the county has for the facility?

Mr. Hess: They would be charged with enforcing the conditions of the CUP, that would be one enforcement I can think of. Jeff, is there anything else you can think of?

Mr. Harvey: Mr. Hess is correct. The county would have the zoning enforcement, also the animal control officer would have the ability to enforce just like they would with any other entity or private citizen.

Mr. Fields: But there is no other specific oversight that we would require from either our animal control or county services over the operation of an animal shelter?

Mr. Harvey: Not unless we specify a condition that they provide reporting back to us on a certain periodic basis or we do certain inspections.

Mr. Fields: Is there a state regulation of the animal shelter?

Mr. Hess: As far as I know, I did mention for the well and septic for the actual SPCA I am not sure. That might be something Mr. Hoyt can address as far as other oversights from state agencies.

Mrs. Carlone: Mr. Chair, to answer that, for the rehab portion, that does I believe fall under federal guidelines.

Mr. Fields: The wildlife rehab has Federal Department of Game and Inland Fisheries.

Mrs. Carlone: Yes.

Mr. Fields: Does the, and probably Mr. Hoyt would be the person to answer this question, to use the word SPCA, which is certainly an old and well-recognized entity, are there licensing requirements and affiliation requirements to belong to that organization? Do individual SPCAs obtain a certificate through an overarching national or international organization to operate as an SPCA?

Mr. Hess: That would be something that I would defer to Mr. Hoyt on.

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Mr. Fields: Okay. If, as the conditions state, which allows the operation of an animal shelter, defines... I notice in here it says condition number one is "This Conditional Use Permit is to allow an animal shelter on Assessor's Parcel 39-102B." So, we are allowing an animal shelter. Number 5, and this relates also to the County Attorney's notion, it says "The SPCA executive director and/or a member of his/her paid staff shall be on the premises..." but that condition would assume... does that condition then imply enforceability only in the case of its operation by an SPCA? Assuming the worst case scenario in this plan does not materialize for some reason, my concern here in following through the logic is that, and the question I am asking, is if the Conditional Use Permit is granted to operate an animal shelter but is not specific to either the entity of the SPCA or even to non-profit entities, have we allowed a Conditional Use Permit for the operation of what could be converted to a commercial kennel even though that was not the original intention because it does not specify in the Conditional Use Permit and does number 5 contradict that dictum against using specific ownership?

Mrs. Roberts: I think you certainly can make a condition that a commercial kennel is not to be operated pursuant to the CUP.

Mr. Fields: Would it be better to make it both in the positive and negative, meaning that it is for a non-profit and also make the negative implication that it is prohibited for a commercial kennel?

Mrs. Roberts: Yes, I do not see any reason not to make those restrictions.

Mr. Fields: That is not redundant, it is just making it more solid. Are you concerned about number 5 articulating the entity SPCA directly? Condition number 5?

Mrs. Roberts: I will have to look further into that because I am not aware exactly of what the SPCA, their rules and their structure. So I do not know if that would be limiting it to ownership or if it would just be another set of regulations it would have to follow. So, I would like time to answer that.

Mr. Fields: This condition identifies an individual, the SPCA executive director. So we are placing a condition in number 5 that the "executive director and/or member of his/her paid staff shall be on the premises during the permitted hours of operation and on emergency call..." Since this is a condition on a piece of property, are we actually able to make this condition on the time and exercise of responsibilities of an individual employed by a specific entity?

Mrs. Roberts: Again, I would like more time to look into that one.

Mr. Fields: Okay. I am trying to think of any other staff questions. Yes Mr. Howard.

Mr. Howard: Mr. Chair, a follow-up question for Joey. Would the SPCA, as it is proposed and I know we used the zoo for the trips per day or vehicles per day, produce more vehicles per day or less vehicles per day than the nursing home did? Or the estimation of what the nursing home would have produced in today's world of estimated (inaudible).

Mr. Hess: I did have the Transportation Department run the number of beds and employees at the nursing home from the information we received and it came out to be about 460 total trips.

Mr. Howard: Thank you.

Mr. Fields: So the nursing home did 460 trips?

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Mr. Hess: Yes it did.

Mr. Fields: On a ten foot wide private access easement. The good ol' days of Stafford County. Any other questions?

Ms. Kirkman: Yes, I do have some questions and this is probably going to be more directed towards the County Attorneys' office. I also have some questions about some of the conditions. Number 17, we said that prior to site plan approval, the property owner shall submit documentation to the county certifying the load capacity. Do we need to specify who that documentation should be completed by such as a bridge engineer? This condition seems to imply... I mean, there is no professional qualifications of who is doing the certification for that documentation. That is a pretty important safety issue and I know it takes a particular kind of expertise. VDOT has a whole separate department dedicated to that. Do we need to be clearer about that in the condition Madam Attorney?

Mrs. Roberts: (inaudible) can add that as a condition on who would qualify to make that report.

Ms. Kirkman: Is the plan for the private access easement for that turn, is that going to be gravel, is it going to be paved?

Mr. Hess: It is going to be treated as a secondary street. It is going to have to meet the street standards which are VDOT standards and I believe our actual standards for these types of roads is actually more pressing where VDOT requires eighteen feet worth of pavement and four foot shoulders. The county is going to be doing twenty feet worth of pavement and I am not sure what the shoulders and the slope, I think the slope still has to be ten percent, it cannot be higher than ten percent.

Ms. Kirkman: What is the slope on the grade now because I think it is higher than that.

Mr. Hess: That I do not know.

Ms. Kirkman: And then going back to the unpaid property taxes issue, did you have any communications today about that?

Mr. Hess: I did.

Ms. Kirkman: And could you please elaborate on those communications about the unpaid property taxes?

Mr. Hess: I received a phone call today from the Commissioner of Revenue's Office and he had indicated to me that Mr. Hoyt was going to be stopping by the county offices today to pay the back taxes on the property.

Ms. Kirkman: And what time today did that come in?

Mr. Hess: I am sure he can answer that for you.

Ms. Kirkman: Okay.

Mr. Hess: It looks like it was done at 4:50 p.m.

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Ms. Kirkman: 4:50 p.m. Just in the nick of time. And was that before or after you had had some other communications today about this issue?

Mr. Hess: I did not have any other communications about this issue. This issue was brought up when the application was submitted several months ago and it was something that was under review by the Commissioner of Revenue. And it kind of carried through to show that Mr. Hoyt was taking steps, the process to get towards the issue resolved because if he was to be classified as a non-profit entity he could potentially be exempt from those back taxes.

Ms. Kirkman: So, you did not have any other emails or phone calls about this today?

Mr. Hess: No. This is the first I heard of it. And it was something, like I said, that was mentioned a while ago and it was sitting there and seemed like it was an issue that was going to be brought up and Mr. Hoyt addressed it today when he went to the Commissioner of Revenue's Office and paid the back taxes on it.

Ms. Kirkman: Thank you.

Mr. Mitchell: In your search for data, in reference to trips per day, I think it would be grossly unfair to try to look at an SPCA in Prince William with a population of quite a bit more than ours or Arlington County or Fairfax County, maybe a million people. I do not mind you bringing the numbers back but I think they can be very skewed based on population. We would not get as many people as Fairfax County would. By investigating the other entities I think we need to look at a county with the same population rather than one...

Mr. Fields: We do need a question here.

Mr. Mitchell: My question is, in your professional opinion, do you think the numbers would be skewed versus a county like Fairfax versus a county like Stafford? Could the numbers be skewed in numbers of trips per day to the same type of entity?

Mr. Fields: Well put Mr. Mitchell.

Mr. Hess: I think it is fair to say that the populations in those counties are higher and that is a potential that is something I would definitely like to go and get the research and the data myself just to confirm that.

Mr. Mitchell: But you are saying the numbers could be skewed?

Mr. Hess: They do have higher populations than Stafford County, so the potential is there.

Mr. Mitchell: Thank you sir.

Ms. Kirkman: Joey, just when you are putting those letters together, if you could look at finding comparably-sized facilities because I think that would help us.

Mr. Hess: Okay.

Mr. Fields: All right, we will move on at this point. We have a number of questions that have been asked, many of them have been answered, many of them remaining in the air. And I see that Mr. Hoyt

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is here and I assume that he will be willing to answer the questions being raised by the Planning Commission before we open the public hearing.

Debrarae Karnes: Members of the Commission, just for the record I am Debrarae Karnes with the law firm of Leming and Healy. I represent the applicant. I will address some of your questions. In some cases I will have to refer the more detailed-oriented questions to Mr. Hoyt. So, right out of the box, for the audience we can say that this is a site with a derelict old out-moded building that the applicant is proposing to redo and utilize for the public good. And I use that phrase with a purpose. The SPCA that is proposed here will be incorporated as a non-profit organization, as a 501(c)3, and that should be done before the door opens and before the first part of the use is instituted. As opposed to a commercial boarding facility which collects fees for profit, the only fees that will be collected here are to defray the cost of operating the dog park and will be minimal and will be based on actually defraying the cost of operating the dog park. Having said that, a lot of work and a lot of community support has gone into designing this proposal and we will be happy to address individual questions to work with the Planning Commission to get the best possible plan out there.

Mr. Fields: All right, thank you. Did you make note of existing questions or did you want to answer up front or did you want to just start...

Ms. Karnes: Why don't you just start?

Mr. Fields: Okay. Does anybody have a question for the applicant? Well, not the applicant, the owner.

Mrs. Carlone: Yes. Mr. Hoyt or Debrarae, on page 6 number h it states that it will create twenty new positions with an annual payroll of \$50,000. Now, could you please enumerate which positions those are? I know normally an SPCA is mostly volunteer work and there are some paid positions. So, if you could say which ones. You also mention that the hours of operation are from 9 til 9. Now, because of the diversity of animals, you mentioned you were going to have horses and I forget what all other than dogs and cats, birds and such, some of the animals of that nature do have problems during off hours, after 9 and before 9 in the morning. I would like to have someone on board that would be there because of the diversity of the type of animals and the problems that might arise. Did you want to answer as we go along?

Mr. Fields: That would be helpful, I think. If that is okay Mrs. Carlone?

Mrs. Carlone: Yes.

Ms. Karnes: First of all, you said twenty paid staff with a total budget of \$50,000. My understanding is they are looking at an annual budget of \$500,000.

Mrs. Carlone: It says here with an annual payroll of over \$500,000.

Mr. Hoyt: Five hundred thousand, not fifty.

Mrs. Carlone: Oh, did I say fifty? I am sorry. That would not go very far, would it? Well, I was trying to figure out twenty into that. But anyway, the point is what I am asking for is to have beyond that 9 p.m. in the evening to have someone on duty that would be capable of handling the situation because, to repeat again, the diversity of animals and the requirement... this is not just a cat or a dog. This goes into the birds, etcetera, horses... anyway, to have someone on duty then.

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Ms. Karnes: Bill, what is your plans for after hour care?

Mr. Hoyt: A couple things. Your first question was about...

Mr. Fields: I am sorry, Bill. At this point if you could state your name and address just to get us formally into the record.

Mr. Hoyt: Yes. My name is William Hoyt and I live in the Aquia District.

Mr. Fields: Thank you.

Mr. Hoyt: In answer to your first question, Mrs. Carlone, we are looking at twelve, thirteen, fourteen full-time positions and a handful of part-time positions. The highest paying positions typically within an SPCA of the size we are proposing are going to be in the field of development, advertising and marketing. You will have, as the kennels get built, a kennel manager which will oversee a handful of assistants and/or vet techs on the property. You will also have facilities maintenance, grass cutting, kennel cleaning, as well as reception. And, while you are absolutely right, when you are first starting off as a brand new start-up, especially in a recession, the more volunteers you can get the better. But to have consistent people showing up day in and day out, some positions you have to put on payroll because you want them to show up to get a paycheck.

Mrs. Carlone: We just do not have it enumerated. You probably would not be getting so many questions if you would have had a little more detail. But anyway, the question now to (inaudible) into having someone on duty after hours that is trained to be able to take care of emergency situations with those different types of animals.

Mr. Hoyt: Yes ma'am. In my conversations with the planning staff, my desire is to have the place open 9 a.m. to 9 p.m. to the general public and staffed 24/7. We may be not staffed 24/7 to begin with but we would certainly have somebody who would be on-call in case of an emergency. Once we get fully staffed and up and operational, we would want to have somebody there at night at all times and basically become a sleeping post. Because one of the things we have expressed our desire to do was to be as a resource for the Sheriff's Office and the Fire Department in the case of a fire, in the case of an emergency, in the case of an abuse situation, a wreck on I-95 when they need someone to be able to take in animals, sometimes injured, sometimes not, at all hours of the evening. If you have someone there at the facility they can answer the phone, they can open the gate, they can provide care no matter when that happens to be.

Mrs. Carlone: Okay. Another question, some place in here or in the newspaper it mentioned that it was going to be a no-kill facility. Is this right or not?

Mr. Hoyt: Yes ma'am. Are you familiar with what is called the similar accords?

Mrs. Carlone: No.

Mr. Hoyt: Okay. A no-kill facility is a bit of a misnomer. Animals will die in any kind of a facility, whether it is labeled no-kill or it is not. You can have a cat that comes in which is perfectly wonderful but after a series of upper respiratory infections or illnesses it is no longer healthy enough to continue and has to be put down. When you advertise a no-kill facility, what you are basically saying is any animal we bring in and that we become responsible for will not be put down because of space or resources. And that is the primary consideration when you operate a no-kill facility.

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Mrs. Carlone: I think it should be specified in here that you will eventually have 24/7 as a condition. It did mention the bridge in here. I think it was mentioned that they were not sure of the condition of that bridge. Who was going to pay for that repair? And it does state in here that it needs repair. And I am thinking in terms of the people, the 400 or so, who will be using that driveway.

Ms. Karnes: Mr. Chairman, I think the phrase that staff uses quite accurately is that the condition is unknown. We are not happy with the fact that we do not know what the condition is and we will be working toward getting you more evidence of that in the near future. And so we can talk about facts instead of speculation.

Mrs. Carlone: Okay, I just want to read this one part, "legal responsibility", prior to that it says "the existing bridge, way at the bottom of the easement, is in need of upgrade and has been for years, even though the nursing home was in use. Legal responsibility for the bridgeway has been determined and demand is being made by counsel for its repair and improvement to allow fire and EMS."

Ms. Karnes: Demand by counsel? Is that what you said?

Mrs. Carlone: This is what it says in this document.

Ms. Karnes: I am counsel. I do not know what that is entailed. Basically, we need to find out what the condition is and we need a report from a qualified person and we are going to get that.

Mrs. Carlone: Okay. And then you all will pay for it? The SPCA? I am just concerned, will this be done before it is in use?

Ms. Karnes: Mrs. Carlone, we will have answers for you before all is said and done.

Mrs. Carlone: Okay. I have other questions but I am taking (inaudible).

Mr. Fields: Okay. Are there other questions for the owner? Mr. Di Peppe.

Mr. Di Peppe: Mine is for Mr. Hoyt. It is clear that you are not a non-profit so I would like to know why you have been portraying yourself in the media and online as a non-profit?

Mr. Hoyt: Mr. Di Peppe, we are not portraying ourselves as a non-profit nor have we taken a dime from anybody during this entire process. Until we get through our Conditional Use Permit, until we get approval, we cannot even file our Form 1023 with the IRS. When you apply to become a non-profit, you have to be very specific about the scope of your business, about the things that you are going to do. They want budgets, they want performance of multiple years and we only have one facility. We have one program that we are putting forward. Until that actually becomes a reality, it would be inappropriate for me to try to seek or obtain funds from anyone and I have not taken a dime from anybody.

Mr. Di Peppe: I am not saying you are seeking funds, I am just saying that you are saying that you have not portrayed yourself as a non-profit, either in the media or online.

Mr. Hoyt: I have read on a number of occasions that we have said things like we will become or are working on becoming but we are not a non-profit now nor have we been a non-profit to this point.

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Mr. Di Peppe: Okay, because in last September in the Stafford Sun in the article, in the third to the last paragraph, "Hoyt felt that by-right use of the property..."

Mr. Howard: Mr. Chair, point of order please, point of order. We are asking questions of the applicant. Is there a question that will be asked here?

Mr. Di Peppe: I am asking, he said that he had not portrayed himself and I would like, Mr. Chair, to finish my question. "Hoyt felt that by-right use of the property should have been approved as they are a non-profit organization..."

Mr. Howard: Mr. Chair, point of order Mr. Chair.

Mr. Fields: Yes Mr. Howard?

Mr. Howard: You indicated earlier that we would be able to question the property owner and are we in the process of questioning that or are we reading statements from newspapers?

Mr. Di Peppe: I am questioning that he is portraying himself as a non-profit.

Mr. Fields: Actually, rather than that, Mr. Di Peppe, would you say that that report in the Stafford... that is from the Stafford Sun?

Mr. Di Peppe: Yes.

Mr. Fields: So, you can ask Mr. Hoyt if he feels that that quote from the Stafford Sun accurately characterizes his remarks at that time.

Mr. Di Peppe: Mr. Hoyt, is that...

Mr. Fields: That has been asked so let us get a response if you do not mind.

Mr. Di Peppe: Were your remarks correct as reported in the Stafford Sun in September?

Mr. Hoyt: Obviously Mr. Di Peppe, I do not have the article in front of me so I would be more than happy to read it.

Mr. Di Peppe: The paragraph is circled.

Mr. Fields: Continue on. Do you have other questions?

Mr. Di Peppe: Yes, one more. I thought I would allow him to look real quick.

Mr. Fields: Well, let us get your other question (inaudible).

Mr. Di Peppe: You are saying that you have not and are not portraying yourself as a non-profit. Is it not true then that on LinkedIn on your profile online you list yourself, and I am assuming that you list yourself in LinkedIn, as William Hoyt's Experience, Executive Director, Stafford SPCA, Non-Profit Organization Management Industry. I got this offline the day before yesterday.

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Mr. Hoyt: If I recall correctly, I did a LinkedIn page a handful of months ago simply as a blank page. There is no other information. I am sure that was forward-looking and if it was inappropriate I am sorry. Again, that is not an active page for me. I use MySpace and that is about it.

Mr. Di Peppe: But if somebody were looking you up, they would see that you are portraying...

Mr. Fields: (Inaudible)

Mr. Di Peppe: Okay, one other quick question. You say you are not soliciting donations but the day before yesterday I went on your website and you were soliciting donations. Is it not true that you were soliciting donations as of the day before yesterday because you did have contact information and a little graphic with the can with money in it asking for donations.

Mr. Hoyt: Mr. Di Peppe, actually no, we are not. Those are called placeholder pages, they are not active. No one can click through, no one can make a donation, there is no payee address, there is no payee name. We simply created a basic website shell. So, assuming we actually get through this process we can flush it out. We wanted to put something up to say that this is what we have coming.

Mr. Di Peppe: Okay.

Ms. Kirkman: Mr. Chair? I have a follow-up question related to this.

Mr. Fields: All right.

Mr. Di Peppe: He never addressed the ...

Mr. Fields: But she is following-up your question.

Ms. Kirkman: It is a follow-up question related to that. You stated that you have never solicited any donations? Is that correct?

Mr. Hoyt: I am sorry. Ms. Kirkman, I have received an envelope full of checks from people who have sent me money, people have dropped off checks, people have left things in the mailbox, and I am grateful and I am humbled by it. We have not cashed a single one. If this thing does not go forward, I am going to send them all back.

Ms. Kirkman: It is wonderful you have that level of support. My question was have *you* ever solicited donations?

Mr. Hoyt: To the best of my knowledge I have not gone out to directly solicit donations from anyone.

Ms. Kirkman: I am wondering then if you could explain this email that was sent by you on...

Mr. Howard: Mr. Chair, point of order. Is this a trial? Is Mr. Hoyt on trial?

Mr. Fields: Hold it. Stop. Order. We have to get moving on.

Mr. Howard: There is a public hearing scheduled.

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Ms. Kirkman: Mr. Chair, I would like to finish this question please. Could you please explain this email dated Tuesday, December 30, from you called the Bark in the New Year's Eve Party and Fundraiser. Below is an invite for a New Year's Eve Party tonight to benefit the Stafford SPCA. Is that a solicitation for funds?

Mr. Hoyt: Ma'am, that solicitation was not by me. The Pup 'N Iron was generous enough, gracious enough, to try to put together an event to get us some exposure and, with any luck, to get some funds raised. If they wanted to make a donation to support the SPCA we were working with a couple of established non-profits that could have, had there been any funds raised, benefited the shelter indirectly. There were no funds raised, there were no funds distributed to our organization or to me directly.

Ms. Kirkman: Just for the public record, this email is signed by you and was sent from your email address.

Mr. Fields: Okay, moving on to questions regarding... Did you have a chance to look at that quote from the Sun Mr. Hoyt?

Mr. Hoyt: Yes, I see the quote from the Sun, and again, it was not a direct quote. "Hoyt felt that the by-right use of the property should have been approved as they are a non-profit". I think that is probably a misquote. Should have been approved if we are going to be a non-profit or as a non-profit use would have been more appropriate. There were not any direct quote marks. I think this was paraphrased.

Mr. Di Peppe: Thank you.

Mr. Fields: Okay, moving on to other technical questions regarding the operation on the property here. I understand the line of questioning but we have a lot of ground to cover. Are there any other questions for the owner at this point?

Ms. Kirkman: Mr. Chair, there were a couple I had asked that had been deferred to the applicant. One is how many gallons per day of water do you anticipate using and what is the current capacity of the well?

Ms. Karnes: We will have to get that information and get back to you.

Ms. Kirkman: Another question was how many gallons per day of waste to you anticipate producing?

Ms. Karnes: I think the answer is the same, we will get back to you.

Ms. Kirkman: Okay. And then I just want to make sure that I understand two statements that were made earlier by you Ms. Karnes. The first is that fees will be collected to defray costs, is that correct?

Ms. Karnes: It is my understanding that fees for people entering the dog park will be collected. These will be nominal fees to cover costs of liability insurance primarily.

Ms. Kirkman: And you mentioned that your goal is to have coverage 24/7 on the sketch we were given I did not see a caretaker's apartment anywhere. Where would that person stay 24/7?

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Mr. Hoyt: Ms. Kirkman, it was a nursing home. We had a better part of twenty-plus patient rooms which were set up for two beds plus a Jack and Jill bath. We had a room set aside that was specifically designed for staff, whether it be for an overnight position or in case of a disaster response.

Ms. Kirkman: Okay, and do you have your wildlife rehabilitator permit?

Mr. Hoyt: I am not a wildlife rehabilitator and I have no plans to be, and that is entirely premature.

Ms. Karnes: I think, Ms. Kirkman, definitely for them to operate, for the SPCA to operate wildlife rehabilitation, they will be required to comply with state law and have a wildlife rehabilitator licensed serving the SPCA. That is several phases down the road and they will not have that at the opening phase and so have not arranged for that yet.

Ms. Kirkman: We were also waiting to hear from the property owner on how one becomes an SPCA.

Mr. Hoyt: One of the most interesting things, Ms. Kirkman, I discovered as I got into this process is there is no mother ship. There is no parent corporation, there is no franchise, there is no license program. You and I, God forbid, could shake hands and start our own SPCA. An SPCA could be a single person. Literally, it is the Society for the Prevention of Cruelty to Animals. They can be big, they can be small, they can be very narrow and focused or they can be very diverse. You do not have to go through an application process. There are associations that you can join but there is no central office that you have to apply to.

Ms. Kirkman: So, anybody can call themselves an SPCA.

Mr. Hoyt: Anybody who loves animals and wants to spend a whole bunch of money taking care of animals that cannot take care of themselves can absolutely start an SPCA and I would absolutely encourage it.

Ms. Kirkman: But, even if they are not so nobley-minded they can. And is there a corporation now that exists as an SPCA?

Mr. Hoyt: I have retained Leming and Healy to file for a Virginia non-stock when the time is appropriate. But until we get through this process, if we get through this process, to waste more money on Virginia non-stock filings the 1023 filings would be a waste.

Ms. Kirkman: Okay. And have you registered with the Department of Agriculture as a charity in order to solicit funds?

Mr. Hoyt: No ma'am because I am not actively soliciting funds.

Ms. Kirkman: Do you have a contract with someone to serve as an on-site vet?

Mr. Hoyt: One of the wonderful things about this process is just announcing our intention to do this we have had a number of veterinarians who have stepped forward to volunteer their time on a rotating basis to come down to the facility to provide services for the animals. As our organization grows, the desire is to have a full-time veterinarian on staff, probably pulled from Virginia Tech, that can provide services for both the custodial animals as well as for the other creatures that might come into our care. But until that time we will be, basically, existing on the donations of established veterinarians in the area.

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Ms. Kirkman: Okay, and the crematorium that you mentioned. Will that be used for any outside animals?

Mr. Hoyt: That was not the plan at this point.

Ms. Kirkman: So, it will only be used for animals that die on-sight?

Mr. Hoyt: Again, at this point, this is all conceptual. We are not even getting into the operations. I had a friend call whose dog called a couple days ago and I had to ask myself the question. If we had the crematorium on-sight and if we had a person who wanted to bring an animal down to have it be cremated with some dignity or some class or some style, should we make that available to the general public? I think we probably should but that is a whole lot further down the line than I want to get into tonight.

Ms. Kirkman: And how much square footage do you have in each of the paddocks for the horses?

Mr. Hoyt: We put three different size paddocks up there simply for illustration purposes. I am not a horse person. I would defer to people who know a whole lot more about it than I do. We set aside enough space to accommodate a number of horses or a number of dogs, but the final design, the final layout will have a little bit to do with the topo.

Ms. Kirkman: Okay, and if repairs are needed to the bridge, will your organization be paying for those repairs?

Ms. Karnes: I think we need to find out the facts. It could be that there are no repairs necessary.

Ms. Kirkman: I am asking if there are repairs necessary, who will be bearing that expense?

Ms. Karnes: We are going to have to look to see what the report says.

Ms. Kirkman: I am asking if there are repairs, will your organization be bearing those expenses?

Ms. Karnes: The honest answer is I do not know.

Ms. Kirkman: Okay, thank you.

Mr. Fields: Any other questions?

Mr. Howard: Yes. Have you had any discussions with Kent Cars or East Coast? I am not sure of the actual business name but there is another business that operates up on the top of that hill. It would be to the north side, I believe, of where the subject site is. Have you had discussions in terms of the road repair and sharing some costs in that? And what type of trucks, if you know, do they bring up and down that road today?

Mr. Hoyt: I have spoken with Mr. Wilson on one occasion when he came up to visit our facility. There is some history as pertains to the easement, to the maintenance of the easement and to the bridge which specifically deals with Mr. Wilson. He has a number of vehicles that come across. He has got delivery trucks that come across, but beyond that I could not tell you.

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Mr. Howard: Have you had any discussions with the easement owners? How many people actually participate in that easement, do you know?

Mr. Hoyt: There are a total of three residences plus the garage plus the proposed SPCA site.

Mr. Howard: And has there been any discussion amongst that group in terms of what is best to do with that road?

Mr. Hoyt: There has been extensive and relatively heated discussion about that road and whose responsibility it is and everyone is playing pass the buck.

Mr. Howard: What condition is the road in today? Not the bridge, I am not asking the bridge question in that capacity, but the road from just a visual... are there potholes, no potholes, pieces of the road missing or falling off?

Mr. Hoyt: In the Power Point CD that you saw I believe the phrase was modest condition. The road that services most of the residences is in better shape than the one that services primarily the SPCA property. We have done some extensive cleaning, we have done a fair amount of pothole repair, but the cost to clean up and to bring the road, at least our portion of the road, up to snuff would be relatively considerable. I have had quotes anywhere between twenty-eight to forty-odd thousand dollars.

Mr. Howard: And is your portion of the road from, there are two metal pipes and there is a chain that goes across them. The chain is down so when you go beyond that chain, is that where your responsibility picks up for the road?

Mr. Hoyt: We found the pins and the nails in the road and the property line actually begins to the west of or up the hill from where that actual chain is. I think the chain was put across many years ago and they still had part of the old sign there way back in the day because that was the last point that a person could come before it became a choke point coming up the hill. So, our point of ownership as far as the road is concerned, is probably twenty to thirty feet beyond that chain.

Mr. Howard: Okay, thank you.

Mr. Fields: Ms. Kirkman?

Ms. Kirkman: Yes, on that private access easement that will have to be expanded, the width of it, have the property owners agreed to sell you the property in order to expand it?

Ms. Karnes: Ms. Kirkman, the width that I understand the easement to be is thirty feet. So, I am not sure at this point there will need to be any additional property acquired.

Ms. Kirkman: Our Ordinance requires that private access easements be fifty feet in width. So, if that is the case, have the property owners agreed to sell you additional rights to expand the private access easement?

Ms. Karnes: Okay, then I am going to have to look into that some more.

Ms. Kirkman: Have you had any of those discussions?

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Mr. Hoyt: No ma'am.

Ms. Kirkman: Thank you.

Mr. Fields: A follow-up to that, there is a requirement, am I correct, in looking at the information. I believe our code says that we do need a twenty foot surface, is that correct on the PAE's? Do we have that on the existing PAE all the way up or is that going to have to be expanded to a twenty foot surface?

Mr. Harvey: Mr. Chairman, the Zoning Ordinance in the site plan section has a minimum travel lane width of twenty feet. In the case of the fifty feet standard Ms. Kirkman is referring to, that is in our Subdivision Ordinance and that applies when you are subdividing property. In this particular situation, we have an existing condition so we it would not be a subdivision of the property and we would not have the issue with the fifty foot width. But we do have the issue about widening the road to the twenty foot wide minimum standard. So, whether that can be done within the existing thirty foot easement, I am not certain. That is more of an engineering issue that would have to come in review in the site plan.

Mr. Fields: That would be in the site plan review obviously, right?

Mr. Harvey: Yes sir.

Mr. Fields: All right. I am sorry, I just wanted to follow-up on that. Ms. Kirkman, go ahead.

Ms. Kirkman: No, that was helpful.

Mr. Fields: Any other questions for Mr. Hoyt or Ms. Karnes?

Ms. Karnes: Mr. Chair...

Mr. Fields: I am saving mine till the end if that is okay. Just making sure I have accommodated everybody. It is not the end, we can always ask questions. Did you by any chance know what the vehicle trips per day on Andrew Chapel Road are? Existing?

Ms. Karnes: I do not know.

Mr. Fields: What oversight from either state or federal agencies are required for the operation of an animal shelter, under any circumstances? We established that the SPCA has no licensing body, but are there state regulations pertaining to the operation of an animal shelter?

Ms. Karnes: We are going to have to get back to you with the complete answer, but it is my understanding that conditions in care of animals are supervised rigorously at the state level. Bill was telling me to state that we will get back to you with a complete description of the regulatory process.

Mr. Fields: If you could, the questions I would have on that would be what agency has the regulatory oversight over animal shelters, what is the mechanism for enforcement of those regulations, and are the regulations for privately operated animal shelters similar to or different from those operated by, for example, the county animal shelter, different from the regulations of those operated by a government entity. Those three questions would apply to that question. So, you are looking into... on the conditions it says that you are going to meet all the National Fire Protection Association standards,

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etcetera, etcetera. So, do you feel confident that you have adequate water supply with only wells to meet all the fire suppression requirements of what becomes at some point a fairly large operation?

Ms. Karnes: That is a compound question.

Mr. Fields: Yes, I guess I am concerned. I am not trying to make a judgment, I am just asking the question. I notice the condition is here and, of course, one would say if the condition is here you have to meet the condition. But, I mean, our process here is to create realistic conditions that protect the public interest that are also enforceable and doable. So, I am not challenging you with the assumption here, I am simply trying to amplify I think it is a legitimate concern if you have only wells that you have adequate pressure and supply, though there are ways around that. I am just asking generally what the theory is and what the scenario is for coming up to compliance with fire suppression.

Ms. Karnes: Our concern, too, is that we be able to agree to conditions that the SPCA can meet now and in the future. First of all, I committed to you to get you the amount of water and septic that this proposal will use. And so that, of course, would include water necessary for any fire suppression system. And, rather than sit here and talk about hopes and wishes, we are going to get you the information that documents that we can do what we say we are going to do.

Mr. Fields: Certainly. So, in your water supply then is a subset of the well, obviously there is the existing uses of water per day which would depend greatly on the number of people and number of animals involved obviously. But obviously the question then I would be looking to have answered on the water supply is also not only the water supply through well volume that the well had, gallons per day, but also the potential storage and distribution mechanisms that would allow for fire suppression.

Ms. Karnes: Absolutely. We will get you that information.

Mr. Fields: There was a question regarding the slope on the PAE. Does anybody have an answer to that one yet? Do you have an answer to that? Whether any part of the PAE exceeds the ten degree slope?

Ms. Karnes: I do not have the answer. And Mr. Chairman, just for the record, I was asked to come on board the case today. So I apologize if we are a little (inaudible).

Mr. Fields: Today, okay. Well, as usual, Ms. Karnes, a testament to your professional skill at the job that you are doing. Thanks. So, we have answered the question, so the entity operating the property is intended to be the Stafford SPCA which is a 501(c)3 corporation...

Ms. Karnes: Or will be.

Mr. Fields: And the intention then, a question for Mr. Hoyt really, it is just somewhat speculative but I am just trying to get all the facts. Not speculative, but there is no intention that anything other than that entity is operating on this property. Is that correct?

Mr. Hoyt: If I may, that is correct. In order to be an effective animal shelter, you have no choice but to become a 501(c)3. You cannot get your grants, you cannot get your free dog and cat food, you cannot get your animals listed up on Petfinder, most of the things that you would need to do with a shelter to become a 501(c)3. As far as like the wildlife rehabilitation, there are a number of SPCAs that do take care of wildlife. Now whether they sublease some portion of the property to people who do have the required licenses, who do have the permits to operate and (inaudible) we provide the space

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for them to provide those services or if you try to do it yourself, that is an operational question for down the road.

Mr. Fields: I think that is about it for me. Any other questions? We do need to open the public hearing at some point here.

Mrs. Carlone: I just wanted to give you the names of some of the ones that you can contact. Department of Game and Inland Fisheries, Department of Agriculture and Department of Health. Anyway, they can help you get started.

Ms. Karnes: Thank you.

Mr. Fields: All right, at this point, if there are no further questions... Ms. Kirkman has one question.

Ms. Kirkman: So, the SPCA does not own the property, correct?

Ms. Karnes: That is correct.

Ms. Kirkman: And, according to the ownership affidavit... Muddy Dogs LLC. Mr. Hoyt, are you the only owner of that LLC?

Mr. Hoyt: Yes ma'am. It is a single owner LLC.

Ms. Kirkman: And, is this fairly typical with SPCAs that they lease the land rather than actually own it?

Mr. Hoyt: There are a number of structures or systems that you will see in place for animal shelters out there. Very often you will have a single land owner or a farmer or a person who has a number of acres who will carve off, who will set aside whether they donate or they lease it for \$1.00 a year to the Humane Society or to the SPCA. They usually do it with a separate corporate entity simply for liability purposes because you are talking about animals. At some point someone may get bit or may get injured or an animal may get loose and they try to have some kind of a separation between the entity that operates and the entity that actually owns the property. So, again, it is fairly typical.

Ms. Kirkman: Okay, so Muddy Dogs LLC will lease the land to the SPCA for a nominal fee of something like \$1.00?

Mr. Hoyt: Ms. Kirkman, that is one of the options. You talked about taxes early on this evening and the ownership structure gets back to that. Let me answer the unasked question and also the asked question. We began talking with Mr. Mayausky and with I guess the Commissioner of Revenue's Office at the end of last year when we purchased the property. The property at that point had been valued at \$1.3 or \$1.4 million, it had been allowed to waste for about two years and change unchecked. We purchased the property for \$450,000. The property needed extensive rehab and needed extensive work. In my homework, I had seen a number of properties where the property was owned by an individual or an organization or trust and then leased back to the entity that was operating. And that portion of the property that was set aside specifically for that charitable use was exempted from personal property taxes, regardless of who the actual owner was. Mr. Mayausky had a number of things on his plate which were more important than the SPCA, it took a number of months to track it down. We spoke the first part of the year and he believed that he had the appropriate code section which spoke directly to the SPCA use specifically being exempted from personal property tax, but on

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further review he concluded and I got the email this morning or late last night, I forget, I had to check for the April 1 virus, but I got the letter from Scott saying that according to the code that he had read, he could not exempt the personal property taxes on the property regardless of what the use was. So that was when I came down today and I wrote the check for the taxes, so it got taken care of. Now, if it makes sense from a tax standpoint at some point to sell the property to the SPCA once it is an established 501(c)3 with 100 percent owner financing, so again they can avoid personal property tax and they can encumber it if they need to borrow, that may be appropriate. It may be appropriate to lease it to them for \$1.00 a year so long as I am alive. As we all know, the economy is in the toilet and this is a big part of my estate. If I were to die I would need to provide for my wife, so there has to be something out there that is going to be reasonable. And what final shape that takes has yet to be determined. But those are some of the factors that influence our decision.

Ms. Kirkman: Thank you.

Mr. Fields: All right. With that, we will open the public hearing. I noticed we had a sign-in sheet. Do we have a list of people that have signed in to speak?

Mr. Harvey: We do not anticipate using that for the list of speakers.

Mr. Fields: You just put that as a requirement (inaudible).

Mr. Harvey: Yes, to help us get it for the permanent record.

Mr. Fields: All right, very good then. I do not want to leave anybody out or deny anybody what they thought was a priority ranking in their ability to speak. With this we will open the public hearing. Again, just for everybody's information, if you wish to speak you can come forward. You have to state your name and address clearly for the record. The lights on the podium indicate the allotted time which is three minutes. The green light goes on when you begin to speak, at one minute the yellow light goes on and you have one minute left, and when the red light goes on you are done. Though there are a lot of issues on the table and everybody is very passionate I am sure on many sides of the topic, I request that, and it is really part of the procedure, that you keep your remarks essentially germane to the Conditional Use Permit that is being discussed in the public hearing. We had the public presentations where you could say anything and if you wanted to do that then, that was fine. But this is really remarks pertaining specifically to the application for the Conditional Use Permit on this parcel of land. With that being said, we will open the public hearing. If anyone wishes to speak for or against this proposed CUP then please come forward. It is a good suggestion if a lot of you wish to speak it is efficient to line up in the aisle just so that you do not sit down and I ask and then we wait for somebody to come in. It is not to punish you but just to make this go smoothly.

Paul Milde: I was not going to speak here, it may be the first time I have actually formally spoken to the Planning Commission. As a rule I think it is not a good idea for Board of Supervisors members to come forward and do this. First of all let me address the Board's application. The Board seemed to agree with me when I brought the issue to them informally and then, of course, when the Board took the vote to be the applicant for the Conditional Use Permit because of indeed facing our budget constraints. It really kind of non-progressive situation of our animal shelter, this seemed like a very good option to help the county deal with the nearly a couple thousand euthanasia's that are taking place in Stafford County every year of cats and dogs. A lot of times, of course, those are animals that could be adopted out if an outreach program existed and if the facility had the space to accommodate more animals. So the Board agreed that we wanted to see something like this happen in Stafford. It was almost a no-brainer. The only question really is the appropriateness of the location and whether or

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not the facility will be run in a way that is correct. I just wanted to say, as a Supervisor, I run the risk of alienating some of my constituents by supporting this. I realize not everyone favors this in this location and I too want to make sure all the concerns, especially of the neighbors, are addressed sufficiently and all issues mitigated. I think from my review, I have been pretty intimately involved in this, watching it carefully and talking to Mr. Hoyt, it seems to me like we are going in the right direction in this location. But I will reserve final judgment until this issue comes to the Board, with or without a positive recommendation from this board. But I just want to let you know that I certainly agree this is long overdue for Stafford County and I hope that you guys can pull together for the four-legged residents as well as the two-legged residents in Stafford. Thanks.

Richard Wilson: I originally helped build that nursing home. It was family run and a three hundred acre farm. When I came to Stafford County, I guess I am a newcomer to the older Stafford people, I have been here fifty years, and when I came here we provided employment for the county with the nurses and the doctors and so forth. At the time there was not a doctor, a dentist, a pharmacy, a grocery store or anything in Stafford County and I actually had more employees than Stafford County Courthouse had. So, I am a little bit aware of how it happens. I have been to a couple other hearings and I was appalled really to see in the paper that basically, if we read the paper, it has already been railroaded through without any concern to the people that live there. My contention is that if it is a special use permit or a Conditional Use Permit, if it has to be issued anyway, issue it to every person that is for it and in their back yard. Have the dogs barking in their yard, not my yard. I thought the sound ordinance was before 9:00 too. It is a very heavily wooded area. There is deer running. If a dog hears or smells a deer they are going to start barking. Then the next one will start barking. In the paper it says there are thousands of animals being euthanized, that means there is a possibility that thousands of animals could be there over a period of time. And the road is a narrow road, it needs repair. Mr. Hoyt was aware of the fact. It was sold through Jo Knight Realty, Aquia Realty, and it was brought to their attention that whoever bought that property from then on was responsible for the road, maintenance, care, whatever, the bridge and from Andrew Chapel on. It originally was put in the Courthouse and somewhere it kind of got out of the court. But there is still signed documents notarized and everyone that has owned the property since the time it was originally sold by my family, they said they would maintain it. It was an accepted fact. And Mr. Hoyt has already said he has started to maintain it so he is responsible for it, but it is not twenty feet wide. I think everybody should have an animal and take care of them. They should not pawn them off on somebody else. I personally do not have one because I know I cannot take care of it. So, therefore, all these people that want it, more power to you, put it in your back yard and let the barking commence in your yard, as well as the smell and everything else that goes along with it. Thank you.

Francis Neuhard: I have been a property owner in Stafford for 21 years and I have done public health nursing and served on committees and I know some of the needs and I do understand about the need and the love for animals. I do love animals too and I have worked extensively with Habitats for Wildlife. But I had some real concerns and so, in case I run out of my time, I wanted to let you know that I am here to ask you to please vote for the no zone change because of concern about where it will be. There is no city water that takes quite a lot of cleaning and things like this. I am also concerned about the size of the operation that has been explained or mentioned. Also, I have a great deal of concern for the cost to Stafford County and for the problems for Stafford County in the future. One question is who will take care of these thousands of dogs or thousands of animals that will be saved? The other concern I have is the priority, maybe a misguided priority. When we are in such an economy slump and we have so many needs in the county, the two-legged kind. And when I realized, and I have been involved in ordinance changes as a volunteer and also on my own property, and so I had concerns and I ask the question and so I am here and it is sort of a hard question, but I think some of the other people in the county may think the same thing. Why is this owner or business now

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receiving special favors from Stafford County government staff and Supervisors? And how many good jobs with benefits will this business, even if it no profit, provide for the county? And what sort of returns will the county get for such a business? And why did the owner not pay the fees to appear before this board? We personal property owners have to do that and I have seen, in the time that I have been here, and I have also....

Mr. Fields: If there are any more outbursts like that we will clear the room and you will come in and speak one at a time. Everybody in this room will be afforded their three minutes. That is the democratic process and anybody that knows me knows that I will be scrupulously fair to every individual in this room to express their opinion at the podium in a controlled and civil manner. And this is just a warning but I know you are passionate about it and I celebrate your passion on either side of the issue. But we will be orderly and we will be civil and that is the process we will follow. Thank you. Ma'am, if you could sum up one quick sentence and then I have to move on.

Mrs. Neuhard: Okay, that is not quite fair but...

Mr. Fields: The red light was flashing so technically I was going to ask you anyway that you have to sum up at that point when the red light comes on and it came on. So, I respect your right but we have to be fair.

Mrs. Neuhard: But you were talking.

Mr. Fields: That is why I am giving you a chance to have a couple more sentences because I interrupted. But when I spoke the red light was on which meant your time was up. But you were in the middle of a sentence so to be fair I want to give you a chance to sum up with a couple more sentences, but I do have to move on.

Mrs. Neuhard: Okay, I appreciate that. The other real question that I had is why not use county resources for the shelter that we already have established in Stafford County?

Mr. Fields: Okay, thank you very much ma'am.

Mrs. Neuhard: And I appreciate your thoroughness and I feel better having come.

Mr. Fields: Thank you very much.

Donna Dawkins: I am one of the residents that live approximately 300 feet from where this shelter is going to be. My back door is 300 feet away. And if we have two dogs, fifteen dogs, but he is talking in three years 150 dogs? I do not know about you but I want to sleep at night. I want to go out on my back deck on a Saturday afternoon and be able to enjoy myself and not hear all the barking. When I bought my house where we did I knew what it was zoned. We have the railroad right there. I knew what I was getting into. I can hear the train go by because, you know what? I chose that. I did not choose for you to change the zoning law for a dog kennel or an SPCA that is going to hold 175 dogs eventually. I mean, I do not know, but if I am going to be up at night I am going to get your phone numbers and call you every night too so you guys can be up too. We bought, we pay our taxes, I think what he is trying to do is a wonderful thing. The animals need it. But why couldn't he have gone to an industrial area? There is so many pieces of property down I that would accommodate this. But he had to pick my back yard? I do not understand that. And your concerns about the road is very valid. I was up there on Saturday because he had the open house and I wanted to see first before I came here what his plans were. And he has thought everything through but yet again he does not live right behind

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where this is going to be. And the road is only like, my car had like two feet on each side to go up that hill. So if there is an emergency or if there is a problem, there is no way anything is going to get up that hill in time to put any fires out. Well, that is all I have to say is I do not think you should change the zoning. Let him go buy a piece of property down on 1 and I will even donate.

Mike Quick: I was wondering, can I have a show of hands who supports this...

Mr. Fields: Sir, you have to address the Planning Commission. You cannot speak to the audience.

Mr. Quick: I cannot speak to them?

Mr. Fields: No sir.

Mr. Quick: I was just wondering if they could raise their hands if they support the SPCA.

Mr. Fields: You can certainly ask them to do that but you cannot speak to them.

Mr. Quick: Okay. Well, I will get back to something else, okay? From what I understand, the Board decided they were going to sponsor this special use permit or Conditional Use Permit. So you got your hand on it and hopefully you are helping Mr. Hoyt. From what I understand, Mr. Hoyt put up over \$600,000 of his money because he is trying to help the animals. I have done a lot of research and you guys cannot afford to build an animal shelter. There is not enough space where the old shelter is to build a new one plus you do not have any money. You do not have money, so this man is trying to help you out a little bit. So you guys should be trying to help him. If you do not have money, you can put your staff to work, we are paying for salaries already, you already have people on the payroll, they can help answer all those questions. I mean they were excellent questions. I know Mrs. Kirkman loves animals. She has proved it.

Mr. Fields: You do not address individual Planning Commissioner's either sir, I am sorry. You address the Commission as a whole.

Mr. Quick: I did not address her, I said that I know that she loves animals. I was not talking to her directly. I said she loves animals.

Mr. Fields: Oh, okay.

Mr. Quick: You should give me some more time for that because you were wasting my time. Let's get real here. This is not about dotting i's...

Mr. Fields: You have another 15 seconds.

Mr. Quick: This is about these animals right here. You guys are asking this man questions about dotting i's and crossing t's. Mr. Di Peppe had good questions. Cecelia, she had good questions. You guys should answer all these questions. Your staff can answer them. You had the Planning Commission working on this because evidently you guys chose to help him a little bit. Well, it turns out you did not help him, you just delayed everything more because you did not answer all his questions. So, if he would have done it himself, he would have come out a lot better. I do not even know him personally, I have met him two times. And two times on the phone I asked him about donations and he told me he would not take any donations. I said I know people that want to donate money and he said no I will not take any money, not until I get the status of a non-profit group. So you

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guys act like you are on Perry Mason or something and a while ago you were cross-examining the poor guy and embarrassing the guy in public. I think you guys deserve to help the animals more. I do not care about how you feel about a certain person. I am just saying you can work, get your staff to work, and answer all the questions you have. All those questions you asked tonight, find the answer. If you want to regulate something, regulate it. If you do not trust the man, research him. I do not care what you do, but what this is about is helping these animals out. And you are not doing a very good job. You have an old antique shelter over there and you do not have any money. Okay, one other thing, these people do not want anything in their back yard. Nobody wants anything in their back yard. A couple years ago I told you all I did not want you to approve the zoning change from 39 houses to 105 in my back yard. You passed it and you did not care. Twenty of my neighbors were here, twenty neighbors cried the blues and you did not care about them. You went ahead and changed the zoning so they could have 105 houses in my back yard when it was only zoned for 39. This is a small thing, this is a Conditional Use Permit, that is all it is. Thank you for your time.

Cari Bartz: I am the President of Shadow Cat Advocates. Shadow Cats is a non-profit 501(c)3 organization that primarily focuses on doing TNR. TNR stands for Trap, Neuter and Return. Feral cats or unsocialized cats are humanely trapped, sterilized and returned to their feral colony. A caretaker then provides daily care. In certain situations, it is necessary to find barn homes for the sterilized feral cats. Feral and semi-feral cats unfortunately greatly contribute to the overpopulation of unwanted kittens. Shadow Cats also adopts out hundreds of friendly cats and kittens and has many desperately waiting for homes. When we started our organization 3 ½ years ago, I had no idea how many feral, semi-feral and stray cats there are in the Stafford area. We receive many calls weekly from residents begging for help with sterilizing cats. There are thousands of cats reproducing unwanted kittens. They wander the highways and woods in search of food and shelter. I invite anyone to come with me one evening and see the desperation of fear in their faces as they try to survive. I am tired of picking up dead cats off our Stafford County roads after they have been hit by cars or killed in the car engines by the fan belts while trying to stay warm in the winter. I am also tired of crawling under trailers trying to catch sick and injured kittens. Much of this could be prevented if we had a spay/neuter facility. We so desperately need this SPCA for all the homeless animals. Stafford County has no available low cost spay/neuter services. We also need a no-kill facility to adopt animals out of. They will not all be kept and housed there, they will be adopted out. Somewhere they can be safe and will receive medical attention until they can find their forever home. The numbers of cats and dogs that are euthanized at Stafford County Animal Control is horrifying. This should not be happening. Stafford County desperately needs this SPCA. The rescue groups in the area are overwhelmed with animals and have very little funding. We cannot do it alone. Please do everything you can to help ensure this SPCA is a huge success. Thank you.

Dan Hager: I have lived here in Stafford County since 1971. The reason I am here tonight is I had the pleasure in 1988 to meet a young man fresh out of the Marine Corps as a military police officer. He paid his dues to the Marines and come out looking for a job. I was privileged enough to hire him to be a water treatment specialist for me in my company, MarineSoft, that was located up here at the Courthouse. Bill Hoyt is one of the people that came in there and within ninety days became one of our top producers. The man is one of the most organized people I have ever met in my life, he is detailed, he is a man that crosses the t's and dots and i's. Recently he has become the Treasurer of our Aquia Creek Corvette Club who he has helped tremendously organize for our 501(c)3 putting together our non-profit organization so that we can raffle off a corvette to give the money to the Marines. We are proud that we gave \$10,000 away to a Marine that had his legs blown off last year and Bill was a big part of this. He had a suicide bomber come up to him, a 22-year old single father. And Bill was a big part of this organization and is today as the Treasurer. He has worked tirelessly and effortlessly because this guy is one of the most compassionate people I have ever met in my life. He is a big boy

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and his heart is even bigger. And he is out here taking his time, his money, to try to help Stafford County take care of these animals that are being killed daily which is incomprehensible to me, it is just unbelievable. Not too long ago I had a beautiful red Persian cat that I got as a kitten and it disappeared. You know how cats like to go out in the neighborhood. This one went out in the neighborhood and disappeared for three, almost four days I could not find him. My sister said why don't you call down to the animal shelter. I was kind of appalled when I walked into that building, the conditions and the odor. But sure enough, there was my cat, one day, one day from being killed. That cat lived to be 18 years old. And my son held him in his arms when he took his last breath. And I loved that cat and still do today. These cats and these animals are getting killed every day senselessly. Bill Hoyt is a man of character, he is a man of organization, detail and he can and will get the job done for Stafford County. And guess what? It is not going to cost you all anything. He is doing the deal. And I want to thank you for your time to listen to me, I appreciate it.

Maxine Ringle: I am an adjacent property owner. My husband purchased about 70 acres of land in Stafford County in 1987. In January of 2003 he started a family subdivision so that he could give land to our two children. They had built their homes in Stafford County and they have been here now for about 4 and 5 years. I still have 59 acres remaining of our property which is forestry land use. You asked a lot of very important questions. I was very happy to hear that because those are the questions that I am asking too because I am concerned about noise. We already have the VRE which is very important, we have a fire station. Those two particular things are going to trigger a lot of dog barking and so I anticipate there will be a lot of noise from the animal shelter. I am very concerned about sanitation as it applies to the removal of toxic waste and I am concerned about medical toxic waste because if they are treating animals on the facility they are going to be treating sick animals and they are going to have a lot of waste. I am concerned about traffic. I did not notice, although I do not live in Stafford County I live in Fairfax County, I did not notice when I was visiting Stafford that there was a lot of traffic going in and out of the nursing facility. Most of those people were bedridden, they had few visitors and I do not think they had a very large staff to be perfectly frank. I am concerned about the fact that this type of operation is coming into a first-class residential neighborhood. You have a very large tax base in not just my property which is small but in Meadowbrook Estates. Most of those families have invested first in the land and then in their home, so you have on average people who have invested between \$400,000 and \$1 million. That is not small change and I hope that you will consider that in trying to keep the basic use of the land as it is now. My husband was in the land development business in Fairfax County, he specialized in 5-acre estate communities. I do not know of a single business that is in the Fairfax Station/Clifton area that was not there in 1960 and was grandfathered in. And you probably could count them on one hand. I am concerned about the aesthetics in the neighborhood because Meadowbrook Estates is a new community, it has not matured.

Mr. Fields: I am afraid you will have to sum up now ma'am. Your time is up.

Mrs. Ringle: It is already up?

Mr. Fields: It is up but if you wish one last sentence you are always entitled to sum up.

Mrs. Ringle: Well, I hope that you will consider keeping the zoning Rural Residential. I visited the animal shelter in Fairfax yesterday morning, I am leaving some photos for you.

Mr. Fields: Okay, you can leave those with the clerk. Thank you very much for your time.

Ms. Kirkman: Mr. Chair? We need an address.

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Mr. Fields: Excuse me, ma'am. We do need an address for you. I do not think you stated your address.

Mrs. Ringle: It is on my memo.

Mr. Fields: Okay, and staff can get it from there? Make sure that we get the address. Okay, thank you ma'am.

Lorraine Gardner: I am an adjacent property owner. The area is residential and I think you all have admitted that. It has got 200 homes within a 1 square mile area. SPCAs have been ruled as commercial even though non-profit by the courts. SPCAs are wonderful, I am a volunteer stray cat member. It is just the wrong location. This is a neighborhood of private homes. The private road gets minimal use, I use it every day. This is my son, Demitri Gardner, please stand up. He walks up and down that road to the school bus every day as do the Kennedys. He will be hit one day by all the traffic. Already we are getting increasing traffic up and down and this boy walks on that road every day. It is a private country road. It would have to be widened to meet VDOT's secondary standards, 20 foot plus 3 foot shoulders on each side I believe. Those are called improvements, they are not called repairs. And under Virginia law improvements must be born by the easement holder who wants to make the improvements. If Hoyt does not have the money, \$150,000/\$200,000, let's just stop right here, all right? Hoyt has taken donations. Ask Captain Null of the Sheriff's Office, he has donated cages to them. The nursing home had minimal trips. I know. You can call Max Pettibone, he is up in Michigan. He ran the nursing home before. He had minimal staff, a manager, a bookkeeper and a couple around the clock people. The noise will be tremendous. It will violate two Stafford ordinances, the continual prolonged dog barking and harsh noise from other animals. It will be violating that around the clock, especially with these proposed hours of operation you have here. The other ordinance is the decibels, whatever you call it, where it raises up. I have submitted a report studied on that when you have this number of dogs and dog runs and then dog parks you are going to exceed that every single day. The traffic will increase. Andrew Chapel was supposed to be upgraded as a secondary road. It is not going to be. It has no shoulders. It has deep ditches on the side. Buses go by there every single day from the high school, the middle school and the elementary school. The disease. I talked to a notable veterinarian in the area. You never ever put a wildlife refuge, a horse refuge and dog parks and dog shelters in the same place. You will get transmission from horse to wild animal and then zoonotic diseases which is transmission from animals to humans. Yes, it would be wonderful to have an SPCA. Put it down on US 1, I understand Hoyt is buying property down there. There would be county water and sewer, it would be perfect. Let's have two dog parks, one in North Stafford and one in South Stafford, free. He is going to charge. Why shouldn't they be free and in an area where you need those things. Let's have a wildlife refuge in Crow's Nest. Keep it close to the habitat where they need to be released. Hoyt told Mr. Hess that he is going to sue us, the Trainors, me, Mr. Wilson, over costs to the road.

Mr. Fields: Your time is now up ma'am.

Ms. Gardner: May I just have one sum up sentence?

Mr. Fields: One more sentence.

Ms. Gardner: One sentence. This is the wrong location. We are a residential neighborhood. We deserve to have our peace and quiet too and put the services somewhere else please. Thank you.

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Laura Pantazis: I would like to begin by saying I have offered a check to Mr. Hoyt and Mr. Hoyt rejected this check saying that he is not accepting any donations at this time. This was several months ago that I offered this check and so he is not, at least when people offer, accepting any checks. Pet owners in this area right now are struggling in this economy and some people have no choice rather but to abandon their pets. They have a choice, do I take it to the pound or release the pet into Stafford County at large. The pound is now a euphemism for death for these animals. We heard an owner speaking earlier that his cat was nearly put down. Owners often times would choose to let an animal roam free or a cat roam free rather than put it down and now this cat becomes all of our problem. Mr. Hoyt has come forth and courageously put his own money forward and his own time forward and all he needs is a little help. This will help all of Stafford County. Why should we give him this exemption? Because it helps all of us, not just a small group of people. The neighbors have complained that there may be noise but if you go to Fredericksburg to their dog park, I have not yet heard very loud noises from that dog park and that dog park is open a lot. So we do not know yet how much noise these dogs will produce plus Mr. Hoyt has stated that he would produce acoustic measures in his kennels so that they will not disturb the neighbors. He is taking the neighbors in mind and trying to protect their interest. He is extending the easement which would help them. As for the noise too, they are by the VRE, this is not just a quiet community, this is a community that does hear sirens, that does hear other types of noises. We need help in Stafford County, we need a no-kill shelter so that people have an option of where they want to take their pets if there is a problem. And I know that there is a problem because I have seen these cats on the street and I have tried to help these cats and I call around and there is no one taking in these cats right now. We need help, and please just help Mr. Hoyt and help Stafford County and be at the forefront of progression of no-kill shelters. Thank you.

Sharon Kelly: I am the adjacent property that seems to be no big deal. The minimum noise I feel is a lot of noise for me. When I say adjacent, in the fall we literally look at that nursing home. That is where our yard is. We also have six-month old twins right now and a four-year old. Noise, yes. And this whole thing about we live near the VRE, when I bought my house I knew where I was by. And when I retired from the Marine Corps two years ago and we bought three years ago going on four years ago, we knew what we were getting into. This whole thing about animals, it is wonderful what he is doing but I think it is the wrong place. With children... by the way, I loved the questions that were asked. For some people it was annoying but for us, dotting that i and crossing a t matters a whole lot because down the road, when something happens to my kids, and I want it to be on record that I stood here to say, beyond the noise, what happens to my six-month old girls or my four-year old daughter when we find out there is some contamination, what happens to that? And let's go beyond sleeping at night. I am all about saving the animals but what happens at night when I am already up with my kids? Give me the choice to decide when I want to be up. When we bought, with the train, we bought. If something happens and an animal gets out, it sounds like to me there is no oversight. The questions that were asked here were perfect. Where is the oversight? An animal gets out and does something to my kids, what happens then? And do not say, this happens all the time, that is such a loving pet. How many loving pets have killed people? I have children and again, my yard is right directly behind this nursing home. So, that is my big concern. Beyond the noise and what people call minimal noise is actually a lot of noise for us. Beyond the noise, what happens to my young children? When we bought our house in Meadowbrook, we bought it to make it home. I traveled around the world, I came to Stafford, I came to Meadowbrook to make it home. And I want things to stay the way it was. I want it to be the way it was when we bought it. Train aside, I am talking about safety, I am talking about young children. Thank you.

Andrea Coble: I am here to support the permit. I am speaking on behalf of my daughter who is not here to speak, she is spending a year abroad in South America. One of the constant things that bother her, otherwise she is having a great time, is the animals. They are starving. There is no regulations,

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they are dying on the streets, and she says it is terrible that there is not something in place for the animals. I see that come down the road here. It is hard economic times and people are abandoning their pets. I know this for a fact. My house backs to woods and I cannot have my dog outside without a scratch mark. Right now he has a gauge about this long. No offense to cats, I like cats. But, the point is, I think this would make an amazing opportunity for education. I see far too many co-ops where you, no offense, but you are washing cars. Why not get the kids involved? I see this as an amazing opportunity to get kids interested in veterinary care. So, I want you to think about that and think about how we as people, when we start ignoring our animals, we are losing a part of our humanity. This is what separates us from them. So I ask you to please consider this. And I appreciate you wanting to dot the i's and crossing the t's, I think all your questions are important, but I think it is long overdue in Stafford County, it is long overdue to take care of these animals. Thank you.

Randy Brooks: I am also a wildlife rehabber and my concerns are mainly about the wildlife in the area. If it a drop-off point, that would be great. But to have a wildlife rehabber, since we only have like to or three licensed rehabbers in the county, we are not going to be able to help a facility that is going to be 24/7 because we do a lot of this in our homes. And if a lot of us could hold down jobs without being disabled that would be great, I would be out working. But the reason I do it in my house is because I can rest in between my feedings and it is almost impossible to have a wildlife reserve without having full-time care. Having people that do not know anything about wildlife, without being certified or apprentice, it is absurd. It just won't do it. I agree we need an SPCA I just think the area that he is proposing is not the right area. We do need a wildlife rehab center in the area and, thereto, I do not think this is the right area. Crow's Nest would be the best place for a wildlife area. Thank you very much for your time.

Cristina Turner: I am the second wildlife rehabber in the county licensed. I agree with Randy and maybe some of the residents that we need an SPCA here in the county and we also desperately need a wildlife center. People bring wildlife to our homes all hours of the day and night and have no problems bringing wild animals to our residences. I am not sure that the dog situation and a wildlife situation would co-exist very well within 10 acres. I understand peoples' concerns about the dogs barking in such a small area, but I do want to, if you consider the possibility of a wildlife center there, I would like you to quell peoples' fears about the disease and a raccoon getting out and biting somebody or, these things just do not happen. These things happen without a wildlife refuge in the area. A hawk could pick up a cat, a raccoon could bite somebody, this could happen without it. But there are only two of us here and every day during the spring and summer animals are being hit by cars or killed by residents because they are on their property leaving behind dens and nests of babies. And if somebody cares enough to bring them to us, somebody would care enough to use... I mean, we are providing a public service and I think it is commendable what Bill is trying to do. Perhaps he just needs a little more information about how to best pursue both of these projects and maybe separate them. Thank you.

Christopher Connell: I live about a quarter of a mile from the SPCA proposed shelter and use Andrew Chapel every day to get on and off the VRE, I live right down the road. Just a couple of bullet points really. There was a site plan shown but it really did not do it justice. This site is not a neighborhood as it has been kind of described. This is a forest with scattered homes in it. The particular property sits on top of a hilltop. It is a perfect location for something like this. It is already zoned A-1 and could, in theory, have a number of animals on it without any additional activity from the county. The fact that this action is going on just brings some additional use questions to light. But this is nowhere near a sub-development, this is a forest with some scattered homes in it and the particular property is 10 acres. It is completely surrounded by trees already. Standing on the property itself it is difficult to see any additional buildings around there. Trains and ambulances already bring constant noise to that

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location. It is right near the VRE and I know that even a quarter of a mile away that rescue station at Brooke brings a lot more noise than some barking dogs ever will. We hear that sirens go off constantly all night long, 24 hours a day and most of these animals are going to be indoors. The noisemakers will be indoors in an insulated shelter after hours. They are not going to add significantly to the noise. Andrew Chapel Road already carries hundreds of cars a day in the morning and in the afternoon anyone who has been on it knows that they travel at high speed to get on and off the train, particularly when the trains are nearing. Their start time people race down the road, ask the Sheriff, they are always there with pretty active speed traps. This is not a petting zoo, this is a closed animal shelter. It is going to have open access for the public but it is not a zoo. It is a limited use activity and I suggest that it will not bring anything like 400 cars a day up that road, and even if it brought a couple of hundred they are mixed into the traffic that already goes on there. It is insignificant. It is a small road, it is not the perfect road on Andrew Chapel but it carries hundreds and hundreds of cars a day at high speed. I do not hear of any accidents going on, I do not see any kids getting run over or animals getting run over or traffic accidents going on there. I already have deer, cats, possums, raccoons and who knows what else running around my property. I have never been bitten, never been attacked, never got a sickness, never got a disease, particularly from animals that cannot transfer their diseases to people. I do not see what the issue is with that, I think that is people talking emotionally and not factually. This is a perfect location. If we had some pictures in the presentation I think a lot of people would be swayed to realize that this is a perfect location for this shelter. Thank you.

Dorothy Gordon: My property line actually butts up to the new and upcoming SPCA and contrary to popular belief, it is not a forest, it is my back yard. And I can stand in my back yard and look at this proposed SPCA. I have been a resident of Stafford for 13 years. I am a retired Marine as well for the last 3 years. This is ambitious, it is courageous but it is being run inexpertly. There is not minimal noise. Right now we are in a very quiet remote location. Yes, the train does come and go and I find it and I think my fellow neighbors find it tranquil but 150 barking dogs I would not find tranquil and neither will my children. I am very concerned with the cremation and the vapors that will come from there. I have two asthmatic boys, severe asthmatic boys, and this will cause a great distress for my family. I am obviously not for the location. I love the idea, I have a pet myself. I have always had a pet. And the questions that the board has posed to this condition are great questions because it appears that because this is such an ambitious, courageous act of kindness that we are overlooking some very... or you are not overlooking but possibly overlooking some very important aspects of the creation of this SPCA. My neighbors and I have lived there for the last 5 years of this development and we have some overly great concerns. The locations of the dumpsters are going to board up with my property line. Hence, on that nice summer day I am going to get to smell all the nice rubbish coming down with my barbecue. I cannot wait for that. This is a great concern for me. I am a taxpayer. I have been and my taxes have always been paid on time because I am a law-abiding citizen. And dogs and cat rescues are wonderful, I love them, just not in my back yard. I am not overly concerned with the noise. I am overly concerned with the disease control and the vapors that will come from the cremation. And I have written a couple of letters. I read an article that said no one had addressed this and was against it. I have written a couple of letters to the Supervisor with no response. But I did get a response in regards to Wounded Warriors because that was a hot topic. Yeah, let's dedicate some time and effort to two-legged. The four-leggeds are great too, but let's talk about what the real need in Stafford County is. And that is great that none of our monies will pay for this because we do not have the monies for this. We have other greater needs that need to be addressed at this time. Rescuing animals are great. I stop for them all time, I have never hit one in my entire 41 years of life. And I do not plan on it. But let's think about the humans that live left, right, adjacent, and behind this facility. It is a well-travelled road but I can tell you, it is not travelling as much as being recorded on the records. Thank you so much for your time.

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Angela Faroughi: I am a licensed professional practicing engineer in the State of Virginia. As such, in my professional opinion, the estimated 478 trips per day under a zoo usage per the Institute of Transportation Engineers Trip Generation Rates is much too intense. The traffic impact to Andrew Chapel Road and the private access easement that is currently there will not be as great as perhaps those numbers seem to indicate, in my professional opinion. Further, I am a volunteer for a 501(c)3 organization in the area, that is Pet Assistance League. As mentioned earlier, the economy hits our pets just as hard as it hits us and people are surrendering their animals more and more. Every time we have to turn away an owner surrender who cannot afford their pet because we do not have the space, it breaks my heart. A no-kill facility is long overdue on this county. If this need is not met, citizens will demand it in the future and that would be a draw on county resources. And I know we do not have that funding to do that. So God bless Mr. Hoyt for what he has offered to do for us. Please vote yes for this Conditional Use Permit. Thank you.

Darla Kristen: I am not sure if this is allowed but I just feel like I have a voice and what I have to say might help you to make your decision and maybe give you a better, more widespread understanding of the compassion that these people have. And I am sure that each of you would have. We moved here from Kansas three years ago. My then 15 year old who was always an animal rescuer and gave speeches in her home school assemblies about animal testing and animal rights and she would be here tonight but she is taking care of my mother in Kansas. She has not ever been a cryer but when we came to Virginia, and we love Virginia, it is beautiful, but one thing that is not beautiful is the feral cat colonies. We were appalled. Kansas does not have them. Kansas takes care of their cats as well as their dogs, and they do not have feral cat colonies. Legislation needs to be changed in Virginia, in Maryland, and this does need to be an issue of compassion. And I know there are a lot of integral questions that everybody would have and you need to think about the care of the road and how much wear and tear is going to be and the water and the noise. My husband and I live in a beautiful part of Virginia, we are so thankful for it. It is in a forest and we have deer and we have dogs and people. And everybody gets along. It is a beautiful place and I just want to comfort the people who are living in the surrounding area of this proposal that it is not going to be as bad as they think. The SPCA in Fredericksburg is a very small place, they are wanting to expand, but they are right in a residential place. It does not stink, I have been there several times. It does not stink, it does not smell. And I just want to leave you with this closing statement. First of all, Proverbs says that a good man is concerned for the welfare of his animals. Bill Hoyt, I have never met him. I did not even know about this issue until tonight when a friend told me. But I had to come, I had to travel here. I did not plan on speaking but it is a very compassionate issue. My daughter has rescued maybe ten animals. We have kept about five of them because she cannot find places to take them. And my girlfriend has taken two of them. And feral cats do make wonderful house pets, loving. I just want to say to everybody here....

Mr. Fields: Your time is up. Make one statement, make one sentence, your time is up.

Mrs. Kristen: If not you, who? And if not here, where? And if not now, when? Thank you.

Eric Kelly: My wife Sharon came up a moment ago. Bottom line is, we do live 200 feet from, or 200 meters from the shelter and we can actually see it. We do have concerns, we have three kids. But the big thing is that if we take the emotions out, we just need to look at the impact that it will have on the residents of Meadowbrook Estates. I think that it is not a forested area like my fellow marine Chris Connell said. Chris and I served five years together in the marines. But, the point is, is that I live there. I see the proposed shelter and my question to Mr. Hoyt would be why did you select that location? Aren't there other locations within Stafford more akin to other SPCAs that are in other counties, i.e., a commercial area? That is the thing that I would ask. But please consider the impact on the residents of Meadowbrook Estates. That is all that I have got to say.

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Rose Pantazis: I just want to lend my voice in support of the animal shelter, or the SPCA shelter. I am not as eloquent as many of your other speakers. I have not prepared anything but I have lived in the county for twenty-eight years now and I have seen a lot of change in the county. There have been a lot of people that have not liked the growth that we have had to have in Stafford County because as we grow, our needs grow. When Stafford was all rural we did not need the SPCA. But now we have become more and more a part of Northern Virginia and we have to care for our four-legged companions or our friends. It is essential. And I want to say that I think that the SPCA needs someone like Bill Hoyt. Bill Hoyt does not let any grass growing under his feet. He is someone who is an entrepreneur, he has proved himself in business, he was a very successful businessman, and I would submit that that is what the SPCA needs. It needs someone with a big heart like Bill Hoyt, it needs someone who has business savvy like Bill Hoyt, and someone who is not, even if he makes a profit, as long as he is not taking from, and I do not know that he plans to do that, but it would not offend me. It would not offend me as a citizen of this county if he were to make some money off of this. And because it is such a need and he is not asking the taxpayers for any money, if it can be a joint venture between the county and private enterprise and someone who has proven himself in business, someone who has proven that he can be successful in what he does, will be a success and not just a fly-by-night to just set up this and then to run away, or run away in the night. We have had a lot of builders in this county that have come in and promised the county the world and then have just picked up stakes and run away. Bill Hoyt is not that kind of person. He has made Stafford County his home and he is committed to Stafford County and I think he is committed to helping the animals. I respect the concerns of the adjacent landowners. I think I would probably feel that way but, unfortunately, that is what happens when we have growth. That is what happened to the people when the airport was coming. They felt misplaced, they felt the noise was going to be a burden on them and I do sympathize for them but the larger good of the county needs to be considered and I just wanted to lend my voice in support of the SPCA. Thank you.

Dr. Ann P. Sweet: Firstly, I would like to commend Mr. Hoyt. He is a fine fellow, he is compassionate and he is supporting a very needy cause, that being the SPCA. Animals are a great part of my life. I wish I could have one in my home but unfortunately I have many allergies that prohibit that. I live in the community, in the community proper that is near the proposed site, and there is indeed a large community there. It is relatively new, it is composed of upscale homes and in selecting that location, which took me several years to do, I chose to get away from Northern Virginia and out into the sunshine of Stafford County where I have had friends with neighbors for many years and had come down for many years because it was time for me to breath the free air and to get away from the noise and the hustle and the bustle. The train is a delight, it is romantic, it is like Casablanca. It is not disruptive to our lives, it is a very serene community. My biggest concern, aside from the likely potential of noise and odor, having allergies is the cremation and also the emission of chemicals that will ensue because you have to treat the waste. And, unfortunately, we cannot contain the air. Bill is doing everything he can to mitigate those circumstances but he is not superman. He is going to do the best he can but the bottom line and the fact is is that if the Board passes this particular location, you are doing so in violation and it is just unconscionable that you would do that in a community that is growing and contained right near the site. If Mr. Hoyt and the Supervisors would kindly look to another site that would be more conducive to a facility of this nature rather than in and near a community full of families with young children and people who are home trying to breath fresh air during the day and during the evening, I certainly would appreciate your consideration as would my neighbors. Thank you.

Michelle Clay: I am one of the property owners on the seventy acres that my mother spoke about, along with my brother. First I would like to state that I am a licensed real estate agent here, practicing and working in Stafford County. I can tell you putting this type of operation behind these beautiful

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\$450,000 up to a million dollar homes is going to depreciate their value. Among other things, it is going to bring possible crime, vandalism, bringing people into an area to see all these beautiful homes and what they have to offer. I also have been a court reporter for the last twenty years covering criminal and civil cases throughout Northern Virginia, Stafford and Spotsy. It does not take a whole lot for somebody who is hard up for money to come into a wealthy neighborhood and want to do vandalism. I think Mr. Hoyt is probably a very compassionate man. I think if he runs an SPCA anywhere he is going to do a great job. I just do not think this location is beneficial to the homeowners that are currently living there. We have all moved out there because we all wanted big beautiful homes on three to five acres, we did not want something to come in and depreciate our value. For my brother and I, our concern is our driveway is just past where the entrance to the SPCA is. If people are dropping off animals, they are going to come up into our property and jeopardize our dogs that are in electric fences. They cannot get out of their property but animals can come in. I am concerned about people coming into our driveway and our private road who miss the driveway looking for the SPCA. My children ride their four-wheelers, their dirt bikes on the seventy acres up and down the driveway. Our animals run up and down in our yards. So, for a lot of reasons I have issues with this going in behind us. As a real estate agent, there is a lot of land in Stafford County. We can find a better location that would not impact all these residents. And they are going to be impacted. The Gordons' lot, wide open, their beautiful pool...

Mr. Fields: Ma'am, you will have to address us.

Mrs. Clay: The beautiful pool, the Flanigans and the neighbors right along the edge, they are going to be standing right there looking at spotlights, fences, not enjoying the night. So, I hope you do not allow this there. Thank you.

Megan Connell: My father spoke a few minutes ago. I am not entirely sure how the saving of animals is going to entice people to have... be more crime or vandalism but I have always lived with animals. I have lived here for a good fifteen years of my life and I have always had animals. One of my cats and one of my dogs is from the Stafford Animal Shelter. Just the other week we had driven past it and we saw the sign for the SPCA and we went up there and all I could think of was thank God for something like this. We can finally have something like this because I have always wanted to work or volunteer at a no-kill animal shelter. I could not do it at the shelter that is already there because they euthanize so many animals and I just could not do that. I am going to college for zoology so I can help teach people about animals and teach them to... we need to cut back on our own stuff so that we do not extinct every animal that is out there. I can understand the sound or the odor or whatever but any of the ones that I have ever been to, they do not have that. I can understand where she is thinking of the trash-dump-can-thing, I am sorry I cannot recall the word, is going to be a bit of a problem. I can understand all those things. But, in the long run, can you really put a price on your happiness to the lives of these animals who deserve their own chance to live. And we inhabit so much of the earth that we just do not have any room for them anymore and having something like this... I met Bill Hoyt just the other week and I was talking to him about all these different things. I was amazed that there was some person that could actually stand up and actually do this. So, again, I apologize for whatever I may have insulted someone by saying oh well this is not going to work or this will work and you will just have to deal with it. That is not what I am saying. What I am saying is you will just have to look for the lives of the animals. The animals cannot speak for themselves, we have to do that. And if doing that means sacrificing some things, that should be okay. And I can understand the woman that has the small children can worry about that sort of thing but it just does not seem like something like I can understand the wording about that but from what I have heard from everything, it does not seem like that is going to happen. Thank you.

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Eileen Leonard: I actually live across the creek from the shelter and I am all for it. I have four horses, I have three dogs, I have two cats and, as far as anyone being contaminated, we have been here for twenty-one years, we have never had any problems with any of them. I have even had dogs that had been quarantined because of raccoons. We found a dead raccoon in our yard. There were never any problems with the horses, dogs or cats combining. I do not know about any other wildlife but I do not see any problems with horses, dogs and cats all being in the same area. The train makes noise. I live at the end or close to the end of Mount Hope Church Road. We hear that train every day. You get used to it. They will get used to the dogs. I have dogs that bark, I know. If people would take care of all their animals, we would not need this but unfortunately that is not the case. So, I am all for it. Thank you.

Sharon Strange: I just wanted to first of all I ask you to please consider to evaluate all the additional information that you have requested. I do appreciate that and hopefully you will come to a decision that helps everybody. Obviously I am a proponent for this and I wanted to just respond to some of the comments that were made and also give my point of view. The economic conditions have been noted several times by many speakers. Economic conditions are poor right now; yes, we all know that. But let's plan long term growth. Let's plan for prosperity. Let's do this for the long haul. Also, I would like you to please consider... I am in the real estate business as well. There is a demand and entitlement for debt relief from credit cards, from mortgages. People, also we have to have a viable relief option for our pets. People have expenses, they cannot afford their pets either. We need to give them a viable option. To refute the VRE that it was there and they knew that, well, the tracks are owned by CSX and I would like to point out that it runs VRE, it runs Amtrak commuter trains, and it also runs refuse and hazardous materials through there so that is a concern that probably was considered by the people who purchased these homes. Again, also there have been several comments towards Route 1. I do live towards Route 1 and I do not know why this is being chucked over the fence to us. I did not spend \$500,000 to a million dollars on my home. That does not make it less important. I would still support this. Displaced wildlife? Again, with any new development this is considered... housing, commercial, any decision that you all make. And finally, to go to the extreme that thousands and thousands of animals are attacking and killing children, let us not forget how many criminals are locked up because adults and humans are attacking children and other adults. Thank you.

Beverly Lyons: I appreciate the concerns of the people who live in that vicinity, but I would like to tell you why I am for it. I recently, this past year, have come into a situation that a number of wild cats have been showing up at my house. It started out with just a couple and I have called the animal control people and they had so many cats that they would keep cats for five days and then put them down. I called the Fredericksburg SPCA and they were not taking any animals, any cats from Stafford County. There was a waiting list for cats from Caroline County and King George County, so they would not take them. So I waited and called, I found out the number of a low cost spay-neuter clinic in Spotsylvania County right next to the animal shelter but they had a waiting list and would not take appointments for like six weeks. Unfortunately I kind of let it go and the cats reproduced and reproduced, so this past year there were twenty cats. I was able to catch nine of them while they were young enough and get homes for them. The other eleven... I have been called the crazy cat lady because I did take them on my own expense to get fixed. So, if anybody knows people who need cats I can provide them. The other area of concern and why I feel we need this in the county is we do need dog parks. The area is growing, the population is growing. When I moved into the County, I live in agricultural A-1 as well, but that now has been changed so much it has grown up that I cannot walk my dog along the road. I do not feel safe anymore taking my dog out for a walk in my neighborhood. So we do need the dog parks for that reason. Basically, I do think that the shelters are a good cause. I do not think the traffic that has been suggested will increase because I have seen the number of cars that these other shelters that I have gone to to try to unload animals. So, I do suggest that if you do not vote

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for this proposal and this Conditional Use Permit that the county does provide at least a free or another low-cost option that we can have to take care of these animals in a shelter. I was surprised when I had previously met the woman from Shadow Cats Advocates just briefly at Spotsylvania County and she had told me there was like 500 feral cats off of 610 in Northern Stafford County and that surprised me. But when I got to thinking that I had twenty this past year and if I did not do something with two litters a year...

Mr. Fields: Your time is up ma'am.

Mrs. Lyons: I am sorry. They would then reproduce so I am for it. Thank you.

Laura Smith: I do not know when the last time any of you have been to the Stafford County Animal Shelter. I know the county does not have money to put into the shelter but it is in pretty poor condition. There is a very bad odor when you walk in the door. The staff is wonderful, they are very nice and they are doing the best they can with what they have. We have someone that has stepped up and is trying to do something and help the county. I actually volunteer with a local animal rescue and I am fostering a dog that was an owner surrender from Stafford County that very well could have ended up at the shelter and been euthanized. And she is an absolutely little doll baby. She is twelve pounds, she is about a year old. You know, there are people out there... it just takes a little time sometimes to find the right home for them but they are out there. I also know Stafford County Animal Shelter, from what I understand, will not adopt out pit bulls when they have pit bulls that come in. So, you know what happens to them... they are euthanized. They are not even given a chance to become a family pet. This is another option, the low-cost spay-neuter. I took one of my dogs to Richmond to a low-cost spay-neuter clinic to have her neutered. That is a long drive and not everyone is able to do that. When you want good care and you want your animal taken care of you do what you can, but if we could do that here in Stafford, we are growing. We have been growing for years and we have become a part of Northern Virginia and it is time that we step up and we start taking care of our animals and in a facility that we can be proud of. Thank you.

Louise Paulselli: I am visiting my sister and her husband. As I have sat here tonight listening to everybody, it is very obvious that everyone is in favor of having an SPCA, however, not in their back yard. The people who stood here and said that they were for it were from Stafford, from this street, from that street, no one was from Meadowbrook. It is a very quiet, very serene and very peaceful area. I love coming here to visit. Another issue that was not addressed is the facility would open at 9 a.m. and close at night at 9 p.m. so people can sleep at night. My sister and her husband are retired. They are not going to want to listen to that all day long and you cannot say that a bunch of dogs are not going to bark. They are going to bark. I did visit the facility on Saturday and as I stood there and looked at the houses in Stafford, I thought my God, I would not want my home to be there. He talks about putting some trees there. You cannot put a tree there and hide the house behind it. You can hide the house, you cannot hide the noise, the smell, the crematorium, the vapors. It is a bad idea. Yes, they should have one but they should have it in an area that is commercial and not in their back yard. Thank you.

Bart Smith: I come in favor of the SPCA. I think that unfortunately our county has grown way beyond the means of our dog facility that we have. It is one of those things that this is a win-win for the county. I feel very sorry for the folks in the neighborhood but it is a ten-acre area there. They can make other improvements. We live in an age that so many things can come along. I had a sewer and water plant put in my back yard. I sure as heck did not want that. And, unfortunately, Stafford County needed to have it because of growth. And I have learned to live with it. It is one of those things that we have got to grit our teeth and do what we have to do. Physically, we do not have the money here in

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the county to go out and put in a facility like this on Route 1 or someplace else. This is just made for this type of facility. It is a wonderful thing for the animals to have this. We have a wonderful capability for the children, the young adults that want to learn about the use of taking care of the animals, wonderful opportunities for relationships, among others, for a good common cause. The county is growing with the roads and things. Improvements are going to be coming along. It just seems to me to be like a no-brainer to have this put in. It is just a win-win for the county. Thank you.

Jacqueline Franceschetti: It is late, thank you for your time, I will try to be brief. I have never lived in an area where more animals are abandoned. The economy now is making it worse. I recently have taken in two cats that were left at the Best Western Motel. They were in a black carrier on the blacktop. They were just extremely lucky they were not run over by a car. It is definitely needed that we have a no-kill shelter in this area. We really desperately need one. As far as the issues that the neighbors in the area make that have valid concerns but I think that there are answers to their concerns. If there are walls that can drown out the noise, block out the noise from I95 from homes, then there is definitely something we can do to keep dogs from barking and disturbing them. There is an issue that people may not be taking into consideration. Not all of these dogs are going to be walking at one time. I work at a veterinary hospital. You walk one, maybe two dogs, out on a leash at a time. The answer to the dog park may be different but as far as having maybe 175 dogs out there running all at once that are in the shelter, I do not believe that is going to be an issue. As far as disease, there are control measures for disease. I work in an animal hospital and we do not have issues with transmitting most diseases and we actually see sick animals in our hospital. Odor, you can pick up the waste, you can treat areas. There must be something that can be done to help with the trash receptacle. I believe that it is possible to dot the i's and cross the t's and still be able to give the county what it needs and I think we really do need a no-kill animal shelter in this county. Thank you so much for your time.

Thomas Rivers: I am a trainer at the PetSmart on 610. I moved into Stafford in 1992. When I first moved here 610 was just two lanes, but the area grew. And I personally feel it is absolutely ridiculous to think that that area surrounding the site will not also eventually grow too. As a trainer, I always have people asking me about dog parks. There is nowhere to bring your dog in this area, except in Aquia Harbour where you have to be a resident to go. This is a wonderful opportunity and it really, really would be a shame to miss. As someone else stated before, these animals do not have a voice for themselves so we have to speak up for them. Thank you.

Megan Rivers: I am a groomer with PetSmart. I am very for all of this, for the SPCA. I am very proud of this. I am here for the animals. I hear a lot about these very expensive homes, a lot of acres on these homes. Why not move it to an industrialized area. Where are you going to put horses on there? Do dogs walk on concrete there? Really, why can't they have their own piece of heaven on earth? I am sorry that it is going to be in these neighborhoods but if it was not in this neighborhood, would they now be on this side? If not there, then where? As my husband just said, it is going to keep growing which means more animals, more euthanization and, again, if not now then when? Thank you.

Jo Knight: Approximately a year and a half ago, or more than that now, Sullivan Tulheimers put this property on the market. It was formerly the nursing home and a large nursing home owner came into the area and they wanted to enhance the facility. They were going to build in the Berea area I believe. So they bought the rights to the beds from this one and relocated them. The property stayed on the market and stayed on the market and nothing happened. I showed it numerous times. The different reasons for not purchasing the property varied. I showed it for a possible home or enhancing the area and making it that way, also there was consideration for home occupation since there was quite a business as you go into there, a truck business right there in the area and, of course, there had been a

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business at this location with the nursing home. I showed it to people and there would be one situation after another. Basically, they were concerned about the fire department, the noise that it made, the commuter rail and the train station, the noise from it, the landfill, all these approximate to it and the stench that may come from that they felt that could be a problem. And, additionally, Camp 21 that is just a short distance through the woods from there. They had concern with all of these, they had fears with all of that and no one bought it. Mr. Hoyt came in my office one day and asked if I knew of a good value in the area. He wanted to make an investment and I told him this property had been dropped. I think that initially they kept dropping the price and dropping the price over this timeframe. And ultimately it was down to a very low price and he wanted to see it. We went out there and he seemed to think that none of those issues that had been a problem to the others would be a problem for him. He said you know, the residents that I would have here won't have any objection. And he purchased the property. He just felt it was the ideal place for the use that he intended. And I think that it is and I think that it will not be the concern to the neighbors once it is opened, the concern that they feel that it may be now. Thank you.

Patricia Healy: I am here as an individual. And I am here as an animal lover. I do not think many of you know me personally but I have lived in Stafford for twenty-four years. One of the first things I did after I moved from Stafford, unloaded our stuff in the house was to go to the landfill because there was not much trash pick-up twenty-four years ago. On the way to the landfill we saw the animal shelter and on the way home from the landfill we stopped at the animal shelter and I adopted my first dog who actually came to work with us in the office for twelve years. She had a couple weeks off for maternity leave on a planned litter and it was easy to place her puppies. We kept two and those two, we mated one of them. But after that I started working in animal rescue just on a very limited basis, but what I learned was so discouraging about how many animals need homes, how many animals get euthanized, and it broke my heart. I very rarely go to the Stafford shelter because it is so heart-breaking to realize that so many of those animals will be killed through no fault of the staff. The staff there is dedicated, they are wonderful, they do everything they can. But they have very limited means. When I heard about this proposal I got excited because I thought wow, we can finally have something in Stafford that we will not have to have these animals killed. People will have some choices. And that was even before the economy hit. It is so much worse now, so many people are talking about it. People losing their homes, they cannot take their dogs and their cats with them. A lot of them are just out there and they are probably getting hit by cars and killed when, if we had a shelter or an SPCA facility such as this, we really could offer something more. And what I am asking you is that you take into consideration the needs of Stafford County. And it is the two-legged, the four-legged, all of us. I have so many friends who I have talked to about this who have brought it up to me who are excited about this opportunity for the county, and their opportunity to not only help the animals but to get personally involved, whether it is contributing funds, time, supplies, they want to help. And I have not really heard one person here tonight say they did not think we needed it or that it is not a good idea. I think the time has come, in a perfect world it would be somewhere where nobody would have a complaint about but we are not in a perfect world and I just ask you to take into consideration the needs here and the good that something like this will bring to the county. Thank you.

Mr. Fields: Are there any other persons who wish to speak in the public hearing? All right, at that point we will close the public hearing. It has been requested from the Commissioners that we take a five minute break here just to...

Mr. Howard: Did Mr. Hoyt want to speak as a citizen?

Mr. Fields: Well, I think Mr. Hoyt has had ample time to address and he will be able to respond to questions and he will be engaged in the process and the dialogue basis.

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Mr. Howard: So, he will not be speaking tonight as a citizen?

Mr. Fields: I do not see that that is really appropriate. We do not let applicants speak as citizens.

Mr. Howard: We don't?

Mr. Hoyt: I am not the applicant.

Mr. Di Peppe: He is not the applicant. Give him the three minutes.

Mr. Fields: I think the idea is, since the county is the applicant and you are the property owner, we are affording you a great deal of time even though technically, since you are not the applicant, all of this time addressing has not been necessarily entitled to. If you want to speak for three minutes you are welcome to but I think you have plenty of opportunity to speak and address the issues that have been raised, we will be asking you questions, it will be a constant dialogue. But if you want to speak, speak.

Bill Hoyt: Mr. Chairman, thank you for my three minutes. A couple things. I was told to include on our GDP when we submitted our plan all those things that we might include in the property over the next five, ten or fifteen or twenty years so that ten years down the road, if we decided we wanted to add something or add our next amenity, they could not come back and say there was something and we had not somehow included that in our initial program. What we have heard tonight on a couple occasions is a concern about the wildlife rescue and rehab. We put that in as an amenity because of the purchase of Crow's Nest that the county had spent thirty or forty million dollars to buy the property with no provision to care for the animals that they actually just acquired. If this is not going to be an appropriate venue for a wildlife rescue and rehab on the facility and there is a better location for it, I am all for removing that if that is appropriate. Second, I do not take the health or the safety of my neighbors lightly. If there are children that have asthmatic conditions...

Mr. Fields: Mr. Hoyt, you have to address the Planning Commission.

Mr. Hoyt: I am sorry. If there are children that have asthmatic conditions that this would adversely affect, then we obviously want to take every precaution to minimize any kind of an impact. And I would ask that the members of the community from Meadowbrook Estates if they are as supportive of the SPCA as they say they are but their primary concerns are noise and smell, then please work with me to come up with a compromise because I do have to believe that somewhere is a compromise, is a workable solution that will make people happy. As a background, I grew up on a farm in up-state New York and I have been around animals my entire life. I did my time in the Marine Corps. I opened up a business and ran it for fifteen years with a staff of about 130 and revenues of \$2.2 million a year. I have got good management, I have got good leadership and I have got good business experience. I retired about a year or almost two years ago and began volunteering at the SPCA in Fredericksburg and I saw how dire the situation was. So when I saw what I thought was an ideal piece of property that would be available for use as a Stafford facility, I thought it would be worthwhile to approach. It was an 8,000 square foot brick and block building, depressing but durable for animals. It was on a wonderful piece of property with a gentle roll great for acoustics, lots of trees all the way around it, close enough to the courthouse but far enough away that we would still be a refuge. And I believe there were enough factors there between the train, the fire department, the garage, the high school, the dump, Camp 21, Quantico, that we were not going to be spoiling the scenic beauty of the area back and behind, but obviously we have a lot of neighbors who are very concerned. And it is my job to try and address some of those concerns as best we can. It is not the perfect site but it is a good one. If there is a better site that is out there, I am happy to explore. I can only afford one at a time. I want to try to

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reach a happy compromise. I am trying to do a good deed. Sometimes you get punished for doing a good deed. I am asking for help, I am asking for assistance, whether it be from the Planning Commission, from the Board or from the community at large, it is too important not to try.

Mr. Fields: All right, thank you. We are going to take a five minute recess. We will be back in five minutes though.

RECESS: 10:52 p.m. to 11:00 p.m.

Mr. Fields: We are still waiting for everybody to rejoin. I just wanted to thank everybody for their time and their participation in the public hearing. It is vital to the process that we have this open democratic exchange of ideas even though I know sometimes people hear things that they do not want to hear. It is important for the Commission and also for the Board of Supervisors to hear all of these comments. I do want to clear up, I know that people get these notices and they get involved in the process because they care deeply about it and I think some people, I just want to make sure that people understand there are a couple different steps in the process. Those of us assembled here tonight are the Stafford County Planning Commission, we are not the Board of Supervisors. A couple of people addressed us I think as if we were the Board of Supervisors. I just want to be clear that that is not the case. A couple of us were on the Board of Supervisors, that is why are pictures are on the wall there. You only get on the wall when you are a has been on the Board of Supervisors. They do not put your picture on the wall for being a Planning Commissioner even though now I am convinced it is a much more dignified job. At any rate, the Planning Commission's job is to examine land use issues exclusively. We do not examine a lot of what the Board of Supervisors does which is budget issues. So, we are concerned about financial issues to the county but, if it may seem that certain points that you have made are not being necessarily always raised, I would remind you that our purview is to examine these from a land use long-range planning perspective. There are always many angles to any situation that comes before the Board of Supervisors, some of which involve other factors other than simply the land use. So our scope under the Code of Virginia is to look at this from a land use long-term general welfare perspective. And, if this is your first time involvement, it can seem sometimes like wow, that seems like a good idea, let's just run with it. I think every Commissioner here would agree that over years of experience doing this, there is many, many unintended consequences that can happen with events and there is no disrespect to anybody involved in the process that nobody, including the Planning Commission, can foresee all of those. However, it is our job, as we take our oath under the Code of Virginia as the Planning Commission, to do our very best to look at all the possible unforeseen consequences. Things like rezonings and the Conditional Use Permit run with the land and essentially, unless they are modified, run forever. So these decisions have long-range effects to everybody and we take that charge very seriously. That being said, it is also important to note that our decision on the CUP is an advisory decision, it is not a definitive decision. Our decision here is to advise the Board of Supervisors, to the best of our knowledge, as the citizens in the county who are charged with understanding and examining land use decisions to the best of our ability, that this is our opinion. We recommend approval or we recommend denial but, ultimately, it is up to the Board of Supervisors to approve or deny the Conditional Use Permit. So just so everybody understands, I think everybody's comments were great, I just want to make sure everybody understands what transpires and how our process works in its entirety. I think we have all seven of us up here now. So, at this point, we have closed the public hearing and I will ask if any Commissioner has questions for staff at this point.

Mr. Howard: Mr. Chair, I do. And I actually need the computer. I raised the issue earlier and I went by the property earlier today myself and it is still not clear to me how this business, Kent's Cars, and I would ask staff to understand how this business is operating and operating under what use. What it

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through the CUP process, was it grandfathered as was surmised before and I would like to understand the same from the nursing home. How was that nursing home operating as a business on those ten acres leveraging that road? And if you go to the next slide, this is the road standing from where... if you got to this point on the road you passed number 142 and that resident was here today, her home is on the left and actually she has a brand new driveway. You get to this point, this is the point where you would go to either the other two homes or the business. From that point going forward, way on top of that hill is the existing nursing home and the subject site is the ten acres that are in question tonight, whether we should pass the CUP. But I do think there are many, many unanswered questions for me and those are two I would like to know the history on these properties because it is not clear to me how this has occurred and why we are not speaking about the other business that is operating as a business although the sign says it operates four days a week. There is extensive machinery, there is numerous vehicles, cars, trucks, tractor-trailer cabins, and it is amazing the amount of vehicles that are on that property and this huge white building as well. So, I would just like to understand that better as we go through this process.

Mr. Fields: All right, thank you Mr. Howard. Any other questions for staff?

Ms. Kirkman: Could we go back to that first slide please? This is just an aside but if staff could check with Code Administration, it looks like those signs are located in the right-of-way which might be a violation of our sign ordinance. So, if you could just double-check on that? Thank you.

Mr. Fields: Are there any other questions for staff that are raised essentially by the public hearing? We have a number of questions that staff has that we are going to return and we have conveyed both to staff who, by extension, is the applicant and to the owner of the property our previous questions which we will await information on. Are there any further questions for staff that were raised during the public hearing? With that then it is time to make some sort of a motion.

Mrs. Carlone: Real quick, after you take out... we have two to three acres for the dog park, it is ten acres, you take out two to three for the dog park. You have the parking lot area, you have the buildings. With just taking out the dog park it would leave you about seven acres, 7.5 acres, is that correct?

Mr. Hess: If you take out the dog park and the parking lot?

Mrs. Carlone: I am sorry, just the dog park.

Mr. Hess: It proposed from two to three acres so from seven to eight acres left over.

Mrs. Carlone: Okay, that is it.

Mr. Fields: All right, if there are no further questions for staff we... this is in the Aquia District. Mr. Mitchell, do you have a motion?

Mr. Mitchell: Mr. Chairman, I think we need to put it in committee and bring it back once we have more definitive answers. I know Mr. Hoyt and his counsel will be looking at some of the questions that were asked, water supply, road, the whole series of events. I would make a motion to put it in committee and then bring it back at an appropriate time.

Mr. Fields: All right, motion to defer by Mr. Mitchell.

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Mr. Howard: Second.

Mr. Fields: Second by Mr. Howard. Let me just clarify, Mr. Mitchell, do you want me to appoint a subcommittee or do you want the Commission to act as a committee of the whole to put this to a work session?

Mr. Mitchell: As a whole.

Mr. Fields: Okay, that is fine. It is your district, I am just trying to give you the privilege there.

Mr. Mitchell: I appreciate it.

Mr. Fields: All right, is there any discussion on the motion to defer?

Ms. Kirkman: Mr. Chair, I am going to make a motion to amend the primary motion. And my motion to amend is to do two of the following, the first is to amend it to give it a deferral date and that is to defer it to our June 17 meeting, and the second part of the motion to amend is to during that time since the notes from the Board meeting are sparse at best I would like the Planning Commission to consult back with the Board of Supervisors to get their affirmation that they wish to continue with the application given the following things that we have learned tonight. The first is that the safety of the bridge and its capacity to handle additional traffic and fire trucks is unknown and if it will need improvements we do not know how they will be paid for. The second is that the private access easement must be improved, there is no question about that, and there is disagreement about who is responsible for the improvements. The third issue that I want to make sure the Board is aware of is that there is potentially inadequate water and sewage disposal infrastructure. The fourth is that the organization has not been incorporated and there is no Stafford County SPCA that exists as a legal entity. The fifth... the sixth issue is that, and the final issue that I want to make sure the Board is aware of in making their decision to be the applicant, is that the organization has not registered as a charity.

Mr. Di Peppe: Second.

Mr. Fields: Well, she is requesting of the motioner I think (inaudible).

Ms. Kirkman: No I am not. I am making...

Mr. Fields: Are you making a substitute motion?

Ms. Kirkman: No, I am making a motion to amend the primary motion. I am not requesting a friendly amendment.

Mr. Fields: Okay.

Ms. Kirkman: So I do need a second.

Mr. Fields: All right.

Mr. Di Peppe: And I second.

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Mr. Howard: Mr. Chair, I would like to make a substitute motion that CUP2800697 Conditional Use Permit Stafford SPCA be deferred to the next work session.

Mr. Rhodes: Second.

Mr. Fields: All right. Substitute motion...

Ms. Kirkman: Mr. Chair, just a point of order. And I hope we do not have to do the Roberts Rules but you cannot make a substitute motion when the matter can be dealt with with an amendment to the motion. The date can be dealt with as an amendment to the motion. It would be improper to offer a substitute motion.

Mr. Mitchell: Mr. Chairman, I do not think that was a substitute motion. It was a separate motion.

Ms. Kirkman: He made it as a substitute motion.

Mr. Howard: I did make it as a substitute motion which would negate Ms. Kirkman's.

Mr. Fields: We have three things on the floor now.

Mr. Howard: We went into discussion, there was no discussion, so I made a substitute motion which, under Roberts Rules, I can do and we can check with counsel.

Mr. Fields: All right, I am going to ask for a ruling on this one.

Mrs. Roberts: Mr. Howard, I might have misunderstood your substitute motion. I thought it was the same as the original motion, sending it to work session.

Mr. Rhodes: Date specific.

Mr. Howard: Mine was date specific and I asked it to be moved to the very next work session.

Mr. Mitchell: Second.

Mr. Howard: You do not have to second that. When Mr. Mitchell made his first motion, he did not specify a period of time which was one of Ms. Kirkman's requests in her amended motion. She chose to amend the motion versus making a substitute motion. So I am making a substitute motion which would remove her motion from the table.

Mrs. Roberts: But would an amended motion be more appropriate since the changes were so minor?

Ms. Kirkman: Yes ma'am. That is my point of order is that...

Mrs. Roberts: I guess what I am saying is I do not think a substitute motion is appropriate with the minor changes that were made.

Ms. Kirkman: Yes.

Mr. Howard: I understand that, but as a Commissioner I can actually make a substitute motion. So I understand what you are saying but I can actually do that. And it was seconded, we can have

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discussion which we are having and then we can have a vote on that. I understand what you are saying, what I am saying is I want to move the whole entire process to the next work session without the stipulations previously stated in Ms. Kirkman's amended motion. We have to go through those anyway so I am not sure I understand the point.

Ms. Kirkman: Mr. Chair, the point of order here, which we need are Parliamentary to rule on, is I believe Roberts Rules is quite clear and it addresses the issue that is being raised is that you cannot make a substitute motion when the issue can be addressed through an amendment to the primary motion.

Mrs. Roberts: And that was my understanding of Roberts Rules. I, unfortunately, do not have my book with me.

Mr. Howard: I have a definition. "A substitute motion is a tactic designed to significantly change the motion on the table and it needs the majority vote." The motion on the table was the amended motion. You can make a substitute motion on Ms. Kirkman's amendment to the motion.

Mrs. Roberts: So, because you are saying that it is significantly changing the motion to amend, not the initial motion.

Mr. Howard: I am changing the amended motion, that is correct.

Mr. Fields: Well, is there a second to the substitute motion?

Mr. Rhodes: I seconded.

Mr. Howard: So, as I understand it...

Mr. Fields: Okay, let us discuss it.

Mr. Howard: We are discussing it.

Ms. Kirkman: Mr. Chair, although I believe I am correct on the point of order but I am willing to defer just to get the vote over with.

Mr. Fields: I think we need to move forward here.

Ms. Kirkman: That is why I am willing to withdraw my objection even though I know I am correct.

Mr. Fields: Thank you. We have plenty left to fight about on this one so let us save it guys for round two. Pace yourselves. All right, the motion on the floor is to defer... the substitute motion is to defer to the next work session. So, is there any further discussion on that item?

Mrs. Carlone: Mr. Chair, will there be time to go ahead and get... do you feel even though it is very hard to determine some of the unanswered questions?

Mr. Hess: We can certainly do our best to get some of the information together for your next work session.

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Ms. Kirkman: Mr. Chair? I am going to oppose the substitute motion because I do believe we need two things which were addressed in my amendment to the primary motion and those two things are a much longer deferral period as well as reaffirmation from the Board that they want to be the applicant given the number of issues that were raised tonight which it is not clear they were aware of when they made the original vote. So, I think it is really important that we go through that process.

Mr. Fields: Understood. Yes Mr. Di Peppe?

Mr. Di Peppe: I have never, since I have been on this board, and we have a great staff and this is no criticism of you Joey because I think you are terrific, but I have never seen so many questions asked of staff where the answer was we don't know. And I do not think that we can adequately address all the questions because, I go back to my original statement early on, that anything we do needs to go through the exact same process. Everybody gets the same deal, that is democracy. But I have never seen so many questions with I don't know and I do not believe it is possible to answer those questions in two weeks. At the fairness to everybody, we should not attempt it. We should give everything full and adequate thought before we make a decision and I think it is, and staff has said this before to us, please do not give us so much to do in two weeks so that we are up to our eyelids and we cannot get it done. So I am going to support Ms. Kirkman's motion.

Mr. Fields: All right, any other comments?

Mr. Howard: Mr. Chair? I just want to remind the fellow Commissioners to defer to the next work session does not automatically mean we have to have all the answers which is my intent as well. I am just as concerned about everything we heard. In fact, I think the citizens from both sides of the yes and the no did a great job. They were very professional, they cared, they were very passionate and they brought up some great points on both sides and we are lucky to have this many citizens get this involved in our county. I think it is great. No one is saying to rush this through the next meeting. I am saying defer to the next work session, they will have the answers they will have, and we can always choose to defer it after that as well. There is nothing to say that this is going to be decided in two weeks. So, I just want to remind everybody that.

Mr. Fields: Sure.

Ms. Kirkman: Mr. Chair? I am opposed to the substitute motion. In part because a lot of additional information was raised here, it is unclear that the Board of Supervisors had all that information when they voted to be the applicant. Two weeks is not sufficient time for them to review this again and it is the problem, I want to point out it is again the problem when the Board makes a decision to be the applicant on behalf of a property for which they do not own and so there is no one here that can speak on behalf of the Board other than to say that the original motion was put forward in the way that it was. So, I really am uncomfortable doing anything until we hear from the Board that they are aware of the facts that were brought forth tonight and wish to continue to be the applicant. And that is, I think, the main distinction between the substitute motion that has been made and my amendment to the primary motion.

Mr. Fields: All right, any other discussion?

Mr. Mitchell: Mr. Chairman? I will be supporting Mr. Howard's motion and I think we owe it to any person, any person that brings an issue before this board, we owe them the ability to get some answers to questions. We talked about the bridge, we talked about water and sewer, we talked about the incorporations, we owe it to whoever brings an issue before this board. In my three years and three

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months sitting on this Commission I have always felt, if I was for something or against it, I always felt I wanted to hear all the answers to all the questions. I think we owe it to anybody, not just Mr. Hoyt, anyone that brings an issue to this board, I think we owe them the ability to bring us some answers and questions and, like Mr. Howard said, if we do not have all the answers we can defer it again. No one is here to make a snap rush judgment until we have all the answers. And I think that is what we really should do. I am against the reaffirmation by the Board because we are appointed by the Board, we are not elected by the Board, we are appointed by each Board member and for us to ask for a reaffirmation is us trying to tell them what to do. And I hate to say it, boys and girls, we cannot tell them what to do.

Mr. Fields: All right. So, we will call for the vote. All those in favor of the substitute motion signify by saying...

Mr. Di Peppe: Can we be clear about exactly which...

Mr. Fields: The substitute motion is on the floor made by Mr. Howard. The substitute motion is to defer this CUP item to the next work session. I got that right, correct?

Mr. Howard: That is correct. Which we have done many times (inaudible).

Mr. Fields: That is the straightforward substitute motion. That is what is on the floor. All those in favor signify by saying aye.

Mr. Rhodes: Yes.

Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: All opposed?

Mrs. Carlone: No.

Mr. Di Peppe: No.

Ms. Kirkman: No.

Mr. Fields: No. The motion fails 3-4. The motion now on the floor is Ms. Kirkman's motion to defer to June 17, is that correct?

Ms. Kirkman: Yes.

Mr. Fields: June 17 with the request to the Board of Supervisors to reaffirm the points outlined by Ms. Kirkman.

Mr. Rhodes: Mr. Chairman...

Mr. Fields: I just want to make sure, does the clerk and staff have that motion clear, all of the language clear?

Mr. Di Peppe: Can we have further discussion before the vote?

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Ms. Kirkman: We are clarifying the motion.

Mr. Fields: We can have discussion. I am clarifying the motion to make sure we all understand the motion because the motion for a date specific and then six points requested for clarification from the Board of Supervisors. Six points that we wanted to inform the Board of Supervisors of to ask for their reaffirmation of their support for the application.

Ms. Kirkman: And, Mr. Chair, just to make clear, this is an amendment to the primary motion. So the vote would be whether or not to amend the primary motion. If the motion passes, then we would then vote on the primary motion as amended.

Mr. Fields: Correct. Does staff have those six conditions clearly? Okay, very good. All right, discussion.

Mr. Rhodes: Mr. Chairman, I will not support the amendment to the motion given the fact that we are taking it right up to the time limit. Why we are taking it so far out to the very end of the time limit and forcing ourselves to act in that one last session that we will be bringing it back up to discuss just does not make sense to me. We bring things back regularly, we have ongoing discussions, the Board had plenty of opportunity to engage on it if they want to readdress. I am sure they are not going to be operating oblivious to any of the discussion that has gone on this evening and I think to take it out that far where we have a make or break point, where we have to make a decision at that point, when the next time the dialogue is way too far out to take it. As Mr. Howard said before, there is no requirement to make a decision the next time on the 15<sup>th</sup> if we brought it forward. If we bring it back on the first session in May there would be no requirement to make a decision at that time. There is ample opportunity for the Board to re-engage if they should feel necessary to do so and I think it is the wrong thing to do to give ourselves a make or break situation when we have three months in between. Thank you Mr. Chairman.

Mr. Fields: Thank you sir.

Mr. Mitchell: Mr. Chairman? To refresh the Board's memory, and it may be a little short, at the start of tonight's meeting I made a motion to defer two items. I deferred the same two items about a month ago. So, we are taking incremental steps looking at things one step at a time. I cannot support Ms. Kirkman's motion because even tonight, by precedent, we put something out two weeks ahead, four weeks ahead, and we are taking them in incremental steps until we have all the information. To put it all the way up to June 17<sup>th</sup> is not even sane. The original Board of Supervisors, the seven members, voted 7 to 0, they voted 7 to 0 to be the applicant for this issue. So, every person that was appointed, their supervisor voted for it. I think we are overstepping our bounds, especially by a reaffirmation request. Thank you sir.

Mr. Fields: All right. Yes Ms. Kirkman?

Ms. Kirkman: Mr. Chair, the reason why I chose such an extended date is, both the former Supervisors on the Planning Commission are keenly aware I am sure, the Board is working on the budget now and the tax rate and that is an issue that is likely to keep them occupied if the past few years are any indication well through May. So I was really trying to provide some leeway for the Board to work this into what is already a very busy spring calendar. I would rather give them more time rather than less but if that really is the real contention here, I do not know the parliamentary procedure but I would be willing to change the date to June 3<sup>rd</sup> instead of the 17<sup>th</sup> to give us an additional meeting. What would be the right parliamentary procedure? I just do not know.

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Mrs. Roberts: A friendly amendment.

Mr. Fields: A friendly amendment. Does anybody have a friendly amendment to June 3<sup>rd</sup>?

Mr. Di Peppe: I have a friendly amendment to amend it to June 3<sup>rd</sup>.

Ms. Kirkman: I will accept it.

Mr. Fields: Do we have a second for that... do we need a second for that friendly amendment?

Ms. Kirkman: On a friendly, if both the motion maker and the seconder accept, you do not need it.

Mr. Fields: Does the motion maker accept the friendly amendment?

Ms. Kirkman: Yes I do.

Mr. Fields: So, we are now June 3<sup>rd</sup> with the six conditions.

Mr. Di Peppe: Can we discuss this?

Mr. Fields: I thought we were.

Mr. Di Peppe: All right. I think it is a good compromise. I also would like some input back from the Board because of the information. I also think that perhaps the owner and the people that support this might benefit if the Board is not the applicant because you see here that this application did not get anywhere near the scrutiny that every other person that comes before us. But having said that I want to say something else I have wanted to say all night. First, I greatly appreciate everyone that showed up. The passion and the articulation was wonderful. The people who came out and it was great to see this. Pete touched on this but I want to say this, zonings and Planning Commissions are about this... there are certain activities that you put together in certain areas of a county that are compatible. And zoning is also about separating certain activities that are not compatible. And that is often what we look at, not whether we believe whole-heartedly that Stafford needs an SPCA. It is whether it is appropriate for this location and the impacts on the people who are already there enjoying the peaceful enjoyment of their property and they need to be considered too.

Mr. Fields: All right. Is there any further discussion on the motion?

Mr. Rhodes: Yes Mr. Chairman. I would again state that taking it out that far does not leave us time to readdress other issues that may come up or that may arise and I think we are much better off if not doing it on the 15<sup>th</sup> then doing it on the 6<sup>th</sup> of May, giving ourselves time to readdress issues as we need to incrementally throughout a process. We all know that many things come up as we go along and to push it out to the last session or to push it out to the next to the last session just does not leave time and I do not think that is a prudent course of action to take. And I would not support the amendment to the motion.

Mr. Fields: All right, is there any further discussion? Hearing none, all those in favor of the amendment to the primary motion signify by saying aye.

Mr. Howard: Can it be repeated on what we are voting on?

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Mr. Fields: Yes. Do you want to repeat the six items? The date is now June 3<sup>rd</sup>.

Mr. Howard: June 3<sup>rd</sup> and the six items.

Mr. Fields: The six items. Does staff want to do that or Ms. Kirkman, do you want to do that?

Ms. Kirkman: The six items are, and again, this is to get... perhaps the Board was aware of these things...

Mr. Fields: Just the six items.

Ms. Kirkman: Okay. The six items. Number one, the safety of the bridge and its capacity to handle additional traffic and fire trucks is unknown and, if the bridge needs improvements we do not know how they will be paid for. The second is the private access easement must be improved and there is disagreement about who is responsible for the improvements. The third is that there is potentially inadequate water and sewage disposal infrastructure. The fourth is that the organization has not been incorporated; there is no Stafford County SPCA that exists as a legal entity. The fifth is that the organization has not applied or been approved for 501C3 status. And the sixth fact is that the organization has not registered as a charity in Virginia.

Mr. Fields: All right, those are the six conditions, not conditions, those are the six items we want the Board of Supervisors to be aware of and so reaffirm their commitment to this application and the time limit is June 3<sup>rd</sup>. That is an amendment to the primary motion to defer this item for further study. So, that being said, all those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Di Peppe: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. Opposed?

Mr. Rhodes: No.

Mr. Mitchell: No.

Mr. Howard: No.

Mr. Fields: The motion passes 4 to 3. Now, we have amended the primary motion. The primary motion is now on the table to defer to June 3<sup>rd</sup> with the conditions just articulated. Any discussion?

Mr. Rhodes: Yes Mr. Chairman. I just have to reiterate that taking this out and leaving ourselves one session, one opportunity, to address anything in there, to waste two months in between the time when there is plenty of opportunity for the Board to know exactly what has happened here, every member can talk to their Board member, it can be raised, it can be addressed, we are wasting opportunities to address issues that may arise and I do not think that that is a prudent approach to take. Any of those issues, quite frankly, can become conditions of the Conditional Use Permit. We can address it in many ways but if we waste the opportunities to discuss it we cannot come up with the best way to do it and I

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think we are being imprudent in pushing this out so far before we readdress the other issues that need to be talked about in this.

Mrs. Carlone: Mr. Chair, there seems to be contention between the applicant, not the applicant, whatever Hoyt is, that this is on that property. It says in this document there is a legal question so where are you on that and, I should not address you but, we do not know where this is and when that legal problem is going to be taken care of about that road. And I doubt very much that it will be taken care of in a short length of time. I just feel that this is a major issue as far as that road and the bridge and who is going to do it. I really feel that there are so many issues and, again, I do agree that perhaps the Supervisors did not know some of these issues. That is it.

Mr. Fields: Any other discussion?

Mr. Howard: Mr. Chair? I thought a Conditional Use Permit was to establish conditions that you want to put on the property in order to permit some type of use and to postpone this, as Mr. Rhodes I think adequately has already said, that late makes no sense. It does not make any sense why this Planning Commission would not want to work with this applicant or the owner and go through some of these issues, whether it is safety concerns or other issues that we want to put conditional uses in the Conditional Use Permit process. That is what the process is for. So, I am not sure what we are trying to accomplish by doing this. We are attempting to speak for the Board of Supervisors. They already spoke, they voted 7-0, and now we are making assumptions about what they know or what they do not know and I think it is dangerous when we do that. We should just do what we are supposed to do. It is dangerous when you make assumptions about what other people think or do not think. We should do what we are supposed to do which is put conditions, if that is the way we are headed, or at least have more time to talk about what we are doing and why we are doing it. There is no reason why this should not be deferred to the next work session, have additional discussion, then go to the next work session if necessary and so on and so forth. So, it is just does not make any sense. We have not done this in the past for other applicants even when the Board of Supervisors was the applicant. We have never done that, we have deferred to the next work session. So, I just want to point that out.

Mrs. Carlone: Excuse me, one more comment from Mrs. Carlone. We do not have any control. You mentioned conditions. We cannot put any condition in there about the bridge. That is not up to us. We have no control over that. But I think that is an important factor because of the traffic and the safety. And that is it.

Mr. Howard: There is another business operating that I do not know what the gross weight on those trucks are but I suspect it is heavier than the vehicles that the residents are using. I do not know what the condition of the bridge is but we certainly could put conditions in there in the CUP process to require the owner to make modifications that improve and make that road safer and that small bridge that goes over the stream safer. I know there is a legal issue with the easement but all that can be worked around through the CUP process.

Mr. Fields: All right, Mr. Di Peppe.

Mr. Di Peppe: I disagree that what we do is people come before us with a CUP and we just decide what conditions they have to meet to do it. Part of what we do is decide whether this even is appropriate.

Mr. Mitchell: Mr. Chairman, my good friend Mr. Di Peppe mentioned earlier tonight about people coming out and speaking and he thanked everybody and I thank everybody. I will reiterate what Arch

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said. But, in the tradition of fairness, we are treating this totally opposite than even tonight. I made the motion to defer for two items tonight when we first came to this meeting at 7:30. But tonight we want to make a motion to defer this thing down two plus months. So, in fairness to the person, I think we should defer it for thirty days, not two months, two and a half months, not run it right up to the bitter end. Heck with the budget, they can work within our constraints. So I think to use good old fashioned fairness of doctrine, I think we owe it to them to only stretch it for thirty days.

Mr. Fields: Okay Mr. Di Peppe, we really have to move on.

Mr. Di Peppe: In fairness to every citizen in Stafford County, this should receive the exact same scrutiny that every other CUP, and I do not think there is a person on this dais that would agree that that happened tonight. Thank you.

Mr. Fields: All right, we are going to vote. I have shut off the discussion. Believe me, I have heard it all tonight. Actually, I do want to say just very quickly, I thank all the Commissioners, all the people who have participated and made the comments and took the time. It was a lot of time. This is the process how we work through things in a democracy and I celebrate that in Stafford I think we do our very best to make it function well. So, I respect all my colleagues and your attention and your intelligence and your attention to detail and wanting to do the best for the public no matter if we agree or disagree on what that nature is. With that, I will call for the question, all those in favor of the primary motion as amended signify by saying aye.

Mrs. Carlone: Yes.

Mr. Di Peppe: Yes.

Ms. Kirkman: Yes.

Mr. Fields: Yes. Opposed?

Mr. Rhodes: No.

Mr. Mitchell: No.

Mr. Howard: No.

Mr. Fields: The motion passes 4 to 3. All right, thank you all very much. Next item, Comprehensive Plan Compliance Review, Jackson/Lovitt Sanitary Sewer Extension.

Ms. Kirkman: Mr. Chair? Could I just suggest that one of the things we consider is our process, check with the audience and see if there is anybody here for the public hearing on this and, if not, given the late hour, perhaps we might postpone it to our next meeting. I do not know what our calendar looks like for the next meeting, but...

Mr. Fields: Well, I think this looks to be pretty quick. I will ask and we will see. But we should just get this done and then move on.

Mrs. Carlone: They just said you can do it if there is no one here for the public hearing.

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Mr. Fields: Right, just defer to the next meeting? Well, we still have a couple other things we need to take care of. Let us see what else we have. Jeff, do you have anything on the Planning Director's Report (inaudible)? Well, we will move quickly. We will go ahead with this Comprehensive Plan review. Mr. Zuraf, who is noted throughout the planning world for his brevity and ability to move through things in a very timely and efficient manner.

2. COM2900048; Comprehensive Plan Compliance Review - Jackson/Lovitt Sanitary Sewer Extension - A request for review to determine compliance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia (1950) as amended, for the extension of low pressure sewer outside of the Urban Services Area a length of 185 linear feet across Assessor's Parcel 28-122D to Assessor's Parcel 28-125, located on the south side of Courthouse Road approximately 2,000 feet east of Shelton Shop Road within the Rock Hill Election District. **(Time Limit: May 31, 2009)**

Mr. Zuraf: Definitely. This item is a Comprehensive Plan Compliance Review. The project title is the Jackson/Lovitt Sanitary Sewer Extension. The applicant for this case is Dale Allen who is the Assistant Director of the Stafford County Department of Utilities. And I will get into why the Utilities Department is the applicant here in a moment. The subject properties are Assessor's Parcels 28-122D and 125. This request is for compliance with the Comprehensive Plan for the extension of sewer service outside of the Urban Service Area across Parcel 122D to serve Parcel 125. The existing uses of these properties are both residential. The location of these properties are on the south side of Courthouse Road 2,000 feet east of Shelton Shop Road. This is the zoning of the property. I have highlighted in red the two subject properties. The light green is A-1 zoning, Agricultural. They are immediately to the west of R-1 zoned property that is Monument Drive that enters into Augustine North and the other properties around the site and the opposite side of Courthouse Road are zoned A-1, Agricultural as well. This is the Land Use Plan for this site. The Land Use Plan recommends rural residential and the blue strip is resource protection where you have a resource protection area stream towards the back of the property. Across Courthouse Road, the more brighter yellow is land within the Urban Service Area, that is the Urban Service Area limit there. And you can see how the properties are located outside of the Urban Service Area. The existing conditions of these two properties, the property at 90 Courthouse Road is served by low pressure sanitary sewer and has public water, and 80 Courthouse Road, which is the property further to the west, has private sewage pump and haul which is the subject of this case and a private water well. These are photos of the two subject properties. This is the property that is currently on pump and haul at 80 Courthouse Road. This is the newer house at 90 Courthouse Road. This property is currently on low pressure sanitary sewer and the public water. This proposal would allow, in this case, the extension of a 2-inch low pressure sanitary sewer line across the property at 90 Courthouse Road, which was the newer home, to serve the first photo of the home at 80 Courthouse Road. The Utilities Department is the applicant on behalf of these two property owners. The property owners have requested this project through the County's Neighborhood Water and Sewer Extension Policy. This policy allows the Director of Utilities to approve certain projects which meet certain specified criteria and, in doing so, the County would finance the project. To give you some background as to why this case is before us, the dwelling at 90 Courthouse Road was built in 2004. When that house was built they were not aware of the location of the drainfield that served the house at 80 Courthouse Road. Now 90 Courthouse Road does occupy the drainfield area that serves 80 Courthouse Road and actually during the construction the drainfield pipes were damaged and the current drainfield has been rendered useless. So, when this occurred, they looked at any possible options and alternative drainfields or sewer systems were not possible on this site. The Utilities Department talked to the Health Department who stated that there was no location for a drainfield or the site was not suitable for any kind of private onsite sewage treatment. There is also a letter in the package from Dominion Soil Science who evaluated this site and determined that the water table was

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too high on the property of 80 Courthouse Road for a drainfield to work. So, the options available for 80 Courthouse Road would be for the extension of a low pressure sanitary sewer or for the continuation of pump and haul. If this request is determined not to be in compliance with the Comp Plan and pump and haul has to continue the owner would need to request approval to join the county program because that has been occurring more so under a private agreement between the two owners and any pump and haul has to be in the county program which it is subsidized or not. Here is a sketch that was provided by the Department of Utilities on what would happen in this proposal. The green line, which is the existing gravity sanitary sewer line within Augustine North, that runs down Monument Drive. When 90 Courthouse Road was built, that house was able to extend a low pressure sanitary sewer line to it. Now under this proposal that sanitary sewer line would be extended to 80 Courthouse Road to serve that property. Looking at the evaluation of this proposal, there are growth management policies in the Land Use Plan element of the Comp Plan that deal with the extension of sanitary sewer lines outside of the Urban Service Area. There is a specific provision, provision 5, that allows for the extension of public sewer utilities outside of the Urban Service Area under two conditions where there has been a documented risk to public health and where the application of the current pump and haul policy would be financially excessive to public utility rate payers. Staff finds that the proposal does not conform with these two provisions because there has not been any documented risk to public health and there is no financially excessive situation to rate payers because the pump and haul is basically occurring under a private agreement. Staff would also note in their evaluation that if this would occur, there would be minimal potential for future expansion of the proposed lines. There is one other property further to the west and also the line is a 2-inch diameter and would not be prudent to open up a large area for development to occur on public sewer. Staff recommends the Planning Commission find the request not to be in compliance with the Comp Plan although there are some positive aspects with this proposal. The proposal is inconsistent with the growth management policies in the Comp Plan and we will take any questions.

Mr. Di Peppe: When was the first property built, the one on 80?

Mr. Zuraf: I do not have a specific date of that.

Mr. Di Peppe: Ballpark?

Mr. Zuraf: No.

Mr. Di Peppe: Because the question I am wondering is how does somebody build a house and the drainfield is not on their property? Did they sell their property so that 90 could be built, is that what happened? And then they sold their drainfield? I mean, how did we...

Mr. Zuraf: There was a boundary line adjustment that occurred in 2003 where the area of the drainfield had been on property owned by that property owner but through the boundary line adjustment...

Ms. Kirkman: Would you please state which property?

Mr. Zuraf: Sorry, the drainfield for 80 Courthouse Road was on property that was owned by the same property owner. There was a boundary line adjustment that occurred where that land went over to the property owner of what is now 90 Courthouse Road.

Mr. Di Peppe: Because...

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Mr. Zuraf: I do not know why that occurred but it was in an area where that made now 90 Courthouse Road more buildable. When that boundary line adjustment occurred, there was no requirement to identify drainfields on boundary line adjustments which we have now.

Mr. Di Peppe: Did money change hands?

Mr. Zuraf: I do not know about that.

Mr. Di Peppe: That is an important question because if somebody sold their drainfield and want us to make them whole because they sold their land to someone else and now we are the remedy, I think that is a very important question.

Mr. Zuraf: I do not have the answer to that.

Mr. Fields: Okay, are there any other questions for Mr. Zuraf?

Ms. Kirkman: Yes, I have a question. The property at 90 Courthouse Road is located outside of the Urban Service Area, correct?

Mr. Zuraf: Correct.

Ms. Kirkman: How did they get an extension for water outside of the Urban Service Area?

Mr. Zuraf: According to the Utilities Department, who is here as the applicant, they can clarify. It is my understanding that when it is kind of a lateral to one property that that can occur.

Ms. Kirkman: My understanding is any extension of public facilities outside of the Urban Service Area has to go through the exact same process we are going through right now. And I would like our attorneys, if you feel like you can comment on that now that would be helpful. If you need additional time, I certainly understand.

Mr. Harvey: Ms. Kirkman, Mr. Chairman. I believe what Mike is referring to is a private lateral currently and then when you add the second use on it, it requires it to become a public line at that point in time.

Ms. Kirkman: No, I do not understand what you are saying. That did not help.

Mr. Fields: The currently lateral on parcel 90 is not part of the county utility system, currently. Is that correct? That is (inaudible).

Mr. Zuraf: Let me defer this to the Utilities, to Mr. Allen.

Mr. Fields: I think what we are saying, we will get the clarification, that we allow a private lateral of one to one parcel but not to two parcels. In other words, the lateral is built and owned by the property owner, not by the county utility system.

Ms. Kirkman: But low pressure always requires approval by the Board.

Mr. Fields: My recollection it always does but we will get Mr. Allen, he is the answer guy at this point.

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Ms. Kirkman: And, currently, who is paying for the pump and haul?

Mr. Zuraf: My understanding is the property owner at 90.

Ms. Kirkman: And if this is not approved, would that person continue paying for the pump and haul?

Mr. Zuraf: I do not have the answer to that.

Ms. Kirkman: That is the entity who was responsible for making the current septic field unusable. Is that correct?

Mr. Zuraf: Correct.

Ms. Kirkman: So, they would be the most likely candidates. I just want to understand by approving this we are then taking the burden off of that private property owner who destroyed the septic field. That is the end result of this, is that correct?

Mr. Zuraf: Well, the burden off of somebody. I do not know if 90 would continue paying for that. I do not know the situation as far as if that would continue to happen in 90 would cover that.

Mr. Fields: The property owners of 90 may not have been... it could have been the contractor or the engineers that inadvertently did that.

Ms. Kirkman: How long have they been paying for it?

Mr. Zuraf: I would have to defer to Utilities for that.

Mr. Fields: All right, let us get Mr. Allen up here. Thank you for waiting very patiently.

Dale Allen: Assistant Director of Utilities. I do not have a lot to add to Mr. Zuraf's presentation. I was going to briefly go down the logic behind the approach the Utilities Department took if you have a minute.

Mr. Fields: Please do.

Mr. Allen: We did receive a request from Mrs. Jackson and Mr. Lovitt for an extension of the sanitary sewer system. This would be a short extension across Parcel 28-125 to serve the Jackson's property of 28-122D. Of course, the reason is that through some circumstance which is not entirely clear to me the septic system was destroyed during the construction of the Lovitt property. Under the Water and Sewer Extension Program this project would qualify for a short extension because it is less than 400 feet and the Director of Utilities has the authority to approve these extensions without a particular reason. You can just come in and request it and if we grant you permission then you have a project. However, it is outside of the Urban Services Area and it does require a Comprehensive Land Use Compliance Review which, of course, is the reason we are here tonight. Other than Parcel 28-125 and Parcel 28-123, this area is essentially surrounded by public sewer. The large parcel to the northwest is planned for public sewer sometime in the near future and is the subject of an approved preliminary plan showing public sewer. The alternatives to public sewer include both subsidized and unsubsidized pump and haul. Either case would involve an unnecessary expenditure of funds. If the Lovitts or the Jacksons came in and applied for subsidized pump and haul and the Board were to approve it then the expenditure would be on the part of the county. If they were to apply for unsubsidized pump and haul, the expenditure

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would be, either by the Lovitts or the Jacksons, whatever financial arrangement they make. The extension of public sewer would make that expenditure unnecessary. And I do want to just quote a little bit from the Pump and Haul Policy and what it says is that public sewer may be extended to an area where there is sufficient pump and haul facilities in the area to justify public service. The decision to extend public sewer would be based on the cost effectiveness of the extension and the impact of growth on the county. And this project would satisfy both of those criteria because the homes that could possibly be served by the extension of public sewer are existing so there is no growth involved and it is clearly the most cost effective solution for everyone involved. If we were to proceed through the Comp Plan review process and this were to be approved, the Utilities Department would proceed to construct the sewer to serve the Jackson property as to provide relief to their sewer problems.

Mr. Fields: Okay, are there any questions for Mr. Allen?

Mr. Howard: Mr. Allen, what is the cost to put number 80 on the public sewer system?

Mr. Allen: It would be a couple thousand dollars probably. It is not very expensive. It would be a small diameter plastic pipe.

Mr. Howard: And what would the annual cost of the pump and haul be? I know we are not paying it today but what is that typically?

Mr. Allen: We budget \$4,000 per active customer per year for pump and haul.

Mr. Howard: Okay, thank you.

Mr. Fields: Are there any other questions for Mr. Allen?

Mr. Di Peppe: How many do we have on pump and haul right now that we are paying for?

Mr. Allen: Subsidized, 26.

Mr. Di Peppe: Okay, thank you.

Mr. Rhodes: Just to confirm then, Parcel 2B, I think that is King's Crossing, has got a plan already approved on it, that is going to be public sewer and water?

Mr. Allen: Yes.

Mr. Rhodes: And you said it is just Parcel number 123 and 125 that are not on public sewer and water all surrounding it?

Mr. Allen: That is correct. Parcels 125 and 122B are currently unoccupied but there is an existing public sewer on those properties so when they build their houses they will be allowed to connect to that through a private lateral. So, we are really just talking about Parcels 123 and 125.

Ms. Kirkman: I want to understand a couple of things. First off, the couple of thousand dollars that it is going to cost to do this, who pays for that?

Mr. Allen: The Utilities Department pays for it.

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Ms. Kirkman: And why is the Utilities Department the applicant rather than the property owner or the person who destroyed the, or whose construction...

Mr. Allen: It is a requirement of the Sewer Extension Program.

Mr. Fields: The Neighborhood Sewer Extension Program.

Mr. Allen: Right. It is a county project so the county is the applicant.

Ms. Kirkman: I see. And how did 2B get to be on public facilities since it is outside of the Urban Service Area? You said there was an approved preliminary?

Mr. Allen: I really do not know the answer to that.

Ms. Kirkman: And when was that approved preliminary... when was that approved?

Mr. Allen: I would say it has been at least a couple years now.

Mr. Rhodes: It was about two years ago. I think I remember (inaudible).

Ms. Kirkman: And how did 122D get to be on the low gravity...

Mr. Allen: Well, really, all 122D did was construct a pressure lateral to an existing system on Monument Drive.

Ms. Kirkman: But my understanding is that any low pressure system has to be approved by a vote of the Board.

Mr. Allen: Well, a single house on a pressure lateral is not a low pressure sewer system. A low pressure sewer system is a system of pumps and pipes. This is just a grinder pump and a pressure lateral.

Ms. Kirkman: Okay. So, if there is a sewer line going through a property, somebody can connect to it even if they are outside of the Urban Service Area and they have to go through no public process whatsoever. That is what you are saying this private lateral extension thing is.

Mr. Allen: Yes.

Ms. Kirkman: Well, that is a very helpful piece of information to know. Thank you.

Mr. Fields: All right. We are getting to midnight I believe. Mr. Rhodes raised the point that our By-Laws require that we recess and reconvene? Is that correct?

Mr. Rhodes: We will need to adjourn at midnight (inaudible).

Mr. Fields: Do we need to adjourn at midnight and reconvene?

Mr. Howard: So, we are not going to have the public hearing?

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Mr. Fields: No, we are just going to adjourn and reconvene a minute later. We have to technically adjourn the meeting and restart it. Okay, at this point we will open the public hearing. Does anybody want to speak?

David Ballard: I own the property that is behind Jackson at 125A and I have an easement in the area that this alignment will pass. I do not know if it makes a difference or not. I just wanted everybody to be aware that there... there is actually two easements there, there is mine and the one next to it which is... I do not know what the thing is. That is all.

Mr. Fields: Okay, thank you. At public hearings, even though it is just one person, we do not actually have a dialogue so we take your request and then we will ask.

With no one else coming forward the public hearing was closed.

Mr. Fields: Now it is time to adjourn the meeting.

Meeting adjourned at 12:00 midnight.

Meeting re-convened at 12:01 a.m. April 2, 2009.

Mr. Fields: Was staff aware of Mr. Ballard's question with the easement and how this might impact that?

Mr. Zuraf: I did not necessarily look up where existing easements were along the properties there or through the properties in the back. That is something we can check out and figure out where the location of those easements are.

Ms. Kirkman: I have two technical questions. So, if it is an access easement does that impact the ability to run the extension?

Mr. Zuraf: No it does not.

Ms. Kirkman: And my second question was in terms of evaluating for additional onsite sewage disposal sites, did they identify if any were available on the (inaudible) site to see if there could be a boundary line adjustment done to incorporate a suitable site into the little house site? I do not remember which is 80 and which is 90.

Mr. Di Peppe: 80 is the little and 90 is the big.

Ms. Kirkman: Do you understand the question? I understand the evaluator looked at 80 but they did not look at 90. Can they look at 90 to see if there is a suitable site and then do a boundary line adjustment?

Mr. Zuraf: Whether they can or not, I am sure one of the property owners' paid for this study to be done so I do not know if that can be done or not on 90.

Mr. Di Peppe: Since 90's construction damaged 80's line, they could not have gone back and had 90 repair the line and allow them just to use the drainfield on their site? What was wrong with that?

Mr. Zuraf: I would have to defer to Mr. Allen.

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Mr. Di Peppe: I mean, to me that would be a solution to where it would not cost the Stafford taxpayers...

Mr. Fields: We actually do not allow drainfields anymore on (inaudible) parcels. They actually did away with that.

Mr. Allen: The Health Department did evaluate the condition of the drainfield and determined that it was unusable. That is the reason that the Lovitts are paying for the pump and haul for the Jacksons right now.

Mr. Di Peppe: Okay. So there is no other, unless they did a boundary line adjustment... There is no other drain perk site on 90 that would...

Mr. Allen: It was evaluated by an AOSE and determined there were no drainfield sites.

Mr. Fields: On 80 and 90 both?

Mr. Allen: No, just on 80.

Mr. Fields: So 90 has not been evaluated to see. Because they had the ability to connect to a lateral did they evaluate drainfield versus lateral or did they just build the sewer lateral?

Mr. Allen: No, they just built the sewer lateral.

Mr. Fields: So, we do not know whether there is a... how big is that parcel? How many acres?

Mr. Zuraf: 90 is three acres.

Mr. Fields: Three acres. Are there unanswered questions that require a deferral on this given the late hour? It is in the Rock Hill District.

Mr. Howard: I want to move to defer to the next work session just so we can get some clarity around really why did it occur, some additional information on how did the boundary line change, when did it change. So I move to defer to the next work session.

Mrs. Carlone: Second.

Mr. Fields: Second by Mrs. Carlone. Any discussion? Hearing none, all in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Ms. Kirkman: Yes.

Mr. Mitchell: Yes.

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Mr. Howard: Yes.

Mr. Fields: Yes. Opposed? Well done. Okay, is there anything from staff that needs to be done? Ms. Kirkman, you had a couple of very quick questions I understand?

Ms. Kirkman: Yes, this is for the Planning Director. Within twenty-four hours I received two things that seems somewhat contradictory. On Tuesday in the Stafford Extra section there was a public advertisement for our next meeting for Wednesday, April 15, for a CUP for Virginia Paving, an amendment. The next day I received the DREAM Review Meeting, which is the meeting I think that happens before the TRC, right?

Mr. Harvey: The DREAM meeting is a staff discuss about applications so we use that to help define our recommendation.

Ms. Kirkman: Okay. So, the DREAM meeting has scheduled for April 1<sup>st</sup> the Virginia Paving Amendment CUP. So clearly staff has not completed their review of the application and I was just wondering why we are advertising for something where the review has not been completed.

Mr. Harvey: The application has been reviewed for completeness. Staff has not gotten together in its entirety to talk about the proposed condition and if there are any additional changes to be made. In the case of Virginia Paving they are asking for an amendment to one condition dealing with the hours of operation for the business.

Mr. Fields: All right, any other questions? All right, hearing none, is there anything else that any Commissioner or any staff member has (inaudible)? We have two sets of minutes.

UNFINISHED BUSINESS:

NEW BUSINESS

None

PLANNING DIRECTOR'S REPORT

COUNTY ATTORNEY'S REPORT

SECRETARY'S REPORT

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

January 21, 2009 Regular Meeting

February 4, 2009 Regular Meeting

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Mr. Mitchell: Motion for approval.

Mr. Fields: Motion for approval by Mr. Mitchell.

Mrs. Carlone: Second.

Mr. Fields: Second by Mrs. Carlone. Any discussion?

Mr. Di Peppe: Are these the ones I was not there?

Mr. Fields: I do not know. January 21<sup>st</sup> and February 4<sup>th</sup>.

Ms. Kirkman: You were here for the 21<sup>st</sup> and not for the 4<sup>th</sup>.

Mr. Fields: Okay, we will move for the January 21<sup>st</sup>. Mr. Mitchell, if you will move for January 21<sup>st</sup> minutes.

Mr. Mitchell: Motion for January 21<sup>st</sup> minutes.

Mrs. Carlone: Second.

Mr. Fields: Thank you. Mrs. Carlone second. All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

Mr. Di Peppe: Yes.

Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: Yes. Opposed?

Ms. Kirkman: I am abstaining.

Mr. Fields: Okay. And February 4<sup>th</sup> motion to approve?

Mr. Mitchell: Motion to approve.

Mr. Fields: Moved by Mr. Mitchell.

Mrs. Carlone: Second.

Mr. Fields: Second by Mrs. Carlone. All those in favor signify by saying aye.

Mrs. Carlone: Yes.

Mr. Rhodes: Yes.

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Mr. Mitchell: Yes.

Mr. Howard: Yes.

Mr. Fields: Yes.

Ms. Kirkman: I am abstaining.

Mr. Di Peppe: And I am abstaining because I was not here.

Mr. Fields: Thank you very much. We are adjourned.

ADJOURNMENT

With no further business the meeting was adjourned at 12:08 a.m.

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Peter Fields, Chairman  
Planning Commission