

STAFFORD COUNTY PLANNING COMMISSION
November 18, 2009

The work session of the Stafford County Planning Commission of Wednesday, November 18, 2009, was called to order at 5:34 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Fields, Di Peppe, Rhodes, Mitchell, Howard and Carlone

MEMBERS ABSENT: Kirkman

STAFF PRESENT: Harvey, Roberts, Stinnette, Zuraf, Stepowany, Hess and Baral

DECLARATIONS OF DISQUALIFICATION

Mr. Fields: Are there any declarations of disqualification?

Mr. Howard: Mr. Chairman, when it comes to reviewing the pending zoning/Conditional Use Permit for RC2900007, I will have to recuse myself from that.

Mr. Fields: Okay. Not probing, but that is because of your position at CVS?

Mr. Howard: Right. This is an adjoining property to property that I have a responsibility for. And I am not sure what their intent is, but I think it probably is my best interest, as well as the County's, to recuse myself.

Mr. Fields: Okay, and I appreciate that. Again, I wasn't probing...

Mr. Howard: I understand. It came up at an earlier date and in that instance they actually had language in there referencing CVS, so I am opting just to recuse myself from this.

Mr. Fields: I appreciate that. Alrighty... so, we go to review of proposed ordinances; the Reservoir Protection Overlay District.

REVIEW OF PROPOSED ORDINANCES

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

Jamie Stepowany: Thank you Mr. Chairman, members of the Planning Commission. The first item for the work session pertains to the proposed Ordinance O09-39, Reservoir Protection Overlay District. The Planning Commission held a public hearing on September 16, 2009. There were substantial citizens' concern raised to the Planning Commission and the Planning Commission forwarded the recommendation of denial to the Board of Supervisors and requested additional time to address the issues due to the questions of concern from the public hearing. On October 6, the Board granted the Planning Commission's request and referred the Ordinance back for further considerations. I think the direction you want to start with is to present the list of the major concerns, so staff has provided the major concerns and some bullets pertaining to those concerns for your dialogue or direction, whichever direction you want to go with this. So I will be happy to raise the first one which was the storage of propane was regulated for residential use but not larger commercial uses. Staff wants to point out that underground storage of heating fuel for homes was the primary concern with the proposed Ordinance.

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Propane is a pressurized gas and would likely not pollute groundwater. And the Planning Commission should consider above-ground storage of heating fuel for homes as a regulation.

Mr. Fields: But that would be applying to new construction then, right?

Mr. Stepowany: Yes. It would not have to be to modify or retrofit. If you already have underground heating fuel storage, to go and also make it above ground, it would be for new heating facilities.

Mr. Fields: Am I incorrect in assuming, at least around here, the use of heating fuel is becoming somewhat of a past thing? Are people building new houses with heating fuel furnaces? I am just asking in general; does anybody have any insight on that?

Mrs. Carlone: Mr. Chair, for some of the fireplaces, they use propane.

Mr. Fields: Propane, but not heating oil, right? This is about underground heating oil, right?

Mr. Harvey: That would be one thing that staff would ask if the Commission wants to clarify if it's specified for certain types of fuel or what, because the common practice today is that homes, if they are not able to be connected up to natural gas directly, then they have propane tanks to heat their home and also gas logs for fireplaces.

Mr. Fields: Or electric heat pumps. I lived in a house with a fuel fired furnace; because of the cost of heating oil, I don't know of much new construction that's going that way.

Mr. Howard: I think a lot are using propane to your point, but they do typically bury the propane tanks though.

Mr. Fields: Oh, okay.

Mr. Howard: Underground. For a home. That seems to be standard practice.

Mr. Fields: So, you're thinking that the propane, because it's a pressurized gas, even stored underground would not be a problem for polluting?

Mr. Stepowany: That is staff's assessment of that.

Mr. Fields: So, we would probably want to clarify the language relating to, if I am getting this right we would probably want to clarify the language related to underground storage of heating fuel to mean heating oil or heavier liquid fuels versus propane versus pressurized gases?

Mr. Harvey: Yes, if you give us the direction we can research the specifics, but that is probably getting at the concern that the public had.

Mr. Fields: Okay. Is there a consensus that we would ask staff on this issue to write language that clarifies only types of fuel that I assume are heavier liquids that could potentially be a pollutant be considered in this and that the distinction between gas and liquid be made?

Mr. Howard: Yes.

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Mr. Fields: Is that okay with everybody? Are you clear on that?

Mr. Harvey: Yes sir.

Mr. Fields: Very good. Thank you, that's good. Okay.

Mr. Stepowany: Okay, item 2, the type of notification for an audible alarm is not addressed for sewage pumping, as well as type of back-up power and type of containment facility. We spoke to Tommy Thompson at the Virginia Department of Health on this issue. The State Health Department requires individual sewage pumping systems to have audio and visual alarm systems. Some individual sewage systems may be part of a low pressure system. He claims that providing back-up power is not an issue if not on public water. Because it says water is the source of the sewer; if you are on a well, you need electricity to pump the water from the well. So, if you lose electricity, you are not going to get water from the well and you are not going to have water as a source for the sewer. He recommends maybe some type of electrical back-up system if the house is on public water, but on private onsite sewage disposal system as a recommendation. Another issue was the containment area. It says all systems have a 1,000 gallon pump chamber to contain 6 hours of emergency flow. The 1,000 gallon pump chamber is used for the general operation also and an additional 1,000 gallon pump chamber would be required to provide 48 hours of emergency flow. The Health Department has concerns that a larger pump chamber may cause additional problems such as being deeper into the water table. Such a containment facility may cause leaks, and the system may not be able to handle such a large reserve of effluent. So, they are not in favor of the storage of sewage for 48 hours. Basically what they are saying is it causes other concerns other than with the primary concern of this Ordinance which is water. It's just that they may have other physical concerns. But the other thing was for the alarm system, they would recommend maybe electrical back-up if it's on public water but private onsite sewage disposal system.

Mr. Fields: Or a low pressure system, right?

Mr. Stepowany: Correct. I believe the low pressure system he refers to as a certain type of onsite sewage disposal system. They do have onsite low pressure sewage disposal systems.

Mr. Fields: So, he's not referring to the low pressure that connects to the sewer mains?

Mr. Harvey: He's not referring to public sewer, just the onsite.

Mr. Fields: Because we had that, during Isabelle, we had that very, very bad experience that people had that they didn't realize they had grinder pumps in their homes and they kept using their sewage system as if it were going someplace and it was only going into their basement. I know back then we passed an Ordinance requiring certain safeguards on low pressure systems. But this is a different situation?

Mr. Harvey: Well, a collective low pressure system would have to be approved by the Board of Supervisors to be put into the works today which, in those days, there was not that restriction.

Mr. Fields: Right. So, this is a slightly different definition here from the Department of Health? This is still onsite...

Mr. Harvey: That's their response is dealing with the onsite sewage disposal issues.

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Mr. Fields: Right. So, their concern is that if you have public water but onsite sewage and you don't have proper back-ups and alarms, you can assume that your system is... like in the case mentioned before, that's the whole problem... you can assume that your system is working because you have water flowing and you are not aware that your onsite sewage system is just pushing effluent all over the place.

Mr. Stepowany: Right. Their main concern with that provision is if it's on public water, you have the back-up power system...

Mr. Fields: To exceed the safeguards of the sewer system without realizing it.

Mr. Stepowany: Right, but if you don't have public water then, if you lose power, you are not going to have water either, just to clarify that provision.

Mr. Fields: Would we need to put language in the Ordinance to put these recommendations... all these bullet points all come from the State Health Department in terms of their...

Mr. Stepowany: In that provision, yes.

Mr. Fields: In number 2.

Mr. Stepowany: Yes.

Mrs. Carlone: And to specifically say it's for new construction or replacement of the tanks on page 41.

Mr. Fields: Okay. Any comments on this? Is everybody comfortable with these items being identified as needing to be addressed in the Reservoir Protection?

Mr. Di Peppe: I have a quick question. At the very beginning, it says the type of notification for an audible alarm is not addressed. Is there a particular alarm system or is there a variety of alarm systems? What's happening now? Up at the very top of 2.

Mr. Harvey: That was a comment that we received at the public hearing.

Mr. Di Peppe: Okay.

Mr. Harvey: The Ordinance did not specify what type of alarm system. The Health Department has informed us that they do require an alarm system and there are certain standards in which they have to go by for...

Mr. Di Peppe: But in that requirement, I guess my point is there are a variety of alarm systems out there and as long as they meet a certain criteria they are all right? They say they require an alarm system but there must be more to it than that.

Mrs. Carlone: In the minutes to the meeting it says it's up to the homeowner what type.

Mr. Di Peppe: Are we going to get into that?

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Mr. Harvey: We can get the specifics from the Health Department.

Mr. Di Peppe: I mean, are there any specifications that they require for this alarm system?

Mr. Stepowany: What I got from Mr. Thompson is they have to have an audio system and a visual system. So, not only do they have to have like a bell or something going off, they have to have their lights blink or something visually to give you the indication.

Mr. Di Peppe: But they don't say anything about how loud or how long a light or what kind of light, they just say you have to have both audio and visual.

Mr. Stepowany: Audio and visual type of system to notify you that there is a problem.

Mr. Di Peppe: The other part you are talking about, they are basically saying they don't think it's a good idea to have the additional 1,000 gallon, that all solutions breed new problems.

Mr. Stepowany: They have concerns because that would require a larger... there is already a storage tank as part of the requirement and they are concerned that you would have to double the size of the container which makes it deeper into the ground and that may cause unknown consequences where it may leak into the water table when you don't know it. That's their concern.

Mr. Di Peppe: So, staff is recommending that we don't have the additional...

Mr. Stepowany: Correct.

Mr. Fields: So this only applies... the back-up power applies if you are on public water but on a well you would not require back-up power and a 1,000 gallon pump chamber, if you are on public water then you need back-up power and a 1,000 gallon pump chamber.

Mr. Stepowany: They don't recommend a 1,000 gallon chamber.

Mr. Fields: I thought they didn't recommend an additional 1,000?

Mr. Stepowany: There is already a 1,000 gallon, that's already required.

Mr. Fields: That's already a part of it.

Mr. Stepowany: Yes.

Mr. Fields: No additional chamber.

Mr. Di Peppe: Is this back-up system like a back-up generator that you would have to buy a separate generator, if you were in that kind of situation?

Mr. Stepowany: That's the intent of the Ordinance. You would have to get a generator or something to provide electrical power, yes.

Mr. Di Peppe: And here again, this is for new construction?

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Mr. Stepowany: New construction or repair of existing. And again, maybe the direction of the Planning Commission is to clarify what are we talking about; is it just new or is it repair of existing.

Mrs. Carlone: Jamie, could we put in there, it does state that the homeowners can purchase as long as... can we put in just a little stipulation that it must have an audio and visual? Because I think we should leave in that it's up to the homeowner to select what type they want but as long as it has audio and visual.

Mr. Di Peppe: Can you get by by saying "meeting Health Department regulations"?

Mr. Stepowany: Sure.

Mr. Di Peppe: I mean, that might be the easiest way. If that's okay; I am just throwing that out there.

Mrs. Carlone: Is there a part and section to be referred to?

Mr. Stepowany: We can ask the Health Department if there is a specific section to reference.

Mrs. Carlone: Okay.

Mr. Fields: So, we are going to see if we can basically match this with the Health Department's regulations.

Mr. Howard: That makes sense. In fact, I don't think the house can pass inspection with new construction unless it meets that. It has to have the audible and the visual; typically it's a flashing light on the alarm box that is attached to the emergency cut-off switch outside someone's home. So, you can hear it in the home and your neighbors should be able to see it or hear it.

Mr. Fields: Okay. So, do we think we're good with this one then? Okay, moving forward.

Mr. Howard: Did we reconcile the generator, though, because that is actually an expensive... and that's a big change because all new construction that has public water they now would be required to have a generator with the capacity to handle those pumps, right?

Mr. Di Peppe: I think if you don't have water.

Mr. Fields: Just in the Reservoir Protection...

Mr. Howard: In the Reservoir Protection Overlay, if you are on public water but you have a septic system.

Mr. Fields: Do you have back-up power? I guess that's still the issue. The Health Department has expressed a concern that that...

Mr. Howard: No, it's legitimate because water that is going to flow into the home.

Mr. Fields: Right.

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Mr. Stepowany: And this is in the Proximity and the Buffer Zones. The 2,000 foot provision is where this would apply, if you are on that regulation.

Mr. Fields: Can we get some kind of order of magnitude, maybe for the next work session, of what the expense of back-up power is? Is it a little generator that does the whole deal or is it...

Mr. Howard: That depends on the amps that the pump uses.

Mr. Fields: Right. You know, something like a few hundred dollars worth of back-up power is not onerous but a thousand dollars is. So, I would like to get a sense of that. Is that fair to everybody? Okay. So, we want to look at the cost of back-up power. Alright, clearing of vegetation, number 3.

Mr. Stepowany: The main bullets was can underbrush and dead trees be cleared for fire maintenance, and this is as a question, will RPA guidelines apply? And that's what staff recommends is the provisions for the RPA guidelines to clarify the Ordinance. And Mr. Harvey can help out with this. From what I understand, if a property owner needs to go and clear out some underbrush on the property, they are to get permission from the County to go and do underbrush. And they do contact the County and the Environmental Office and ask for permission to clear and it's actually monitored as to what extent, and that's all within the RPA guidelines. And I believe that is what staff is sort of recommending on this is that the clearing of vegetation is the same as what's allowed under the RPA. Is that correct, Mr. Harvey?

Mr. Harvey: Yes. If the Commission still thinks the 200 foot width is appropriate. Right now the Reservoir areas are governed by the 100 foot wide Resource Protection under the Chesapeake Bay Act. So, again, if the 100 feet is automatically under those requirements, and as Mr. Stepowany pointed out, the Ordinance allows for clearing of dead vegetation and other features but it has to be reviewed to ensure it's not going beyond the purpose of the Ordinance. The question for the Commission would be does the Commission still feel the additional 100 feet of buffer is desirable. And then also do you want to have the same type of protocols apply for vegetation in those areas?

Mrs. Carlone: This was originally started in 1988 on our last really fully organized Comp Plan and it did cover the 200 foot. I really feel... taking a look if you go out on a canoe trip out on Abel Lake you will see what I mean about the runoff in the clearing and the habitats are gone. I just feel that we need that little bit of filter system of the underbrush. And they are allowed to have paths and they can have picnic tables, but I really feel that that 200 feet should remain. And we have that on the Staffordshire we mentioned the last time.

Mr. Fields: How is that going to... I agree. I am wondering if we... again, as we were working through this, one of the problems that comes in and this of course applies to all three Reservoirs, how does 200 foot impact the ultimate footprint of Rocky Pen? Because the problem with Rocky Pen Run is you have high density residential neighborhoods right up practically to the water, correct?

Mr. Harvey: That's correct. And there were a few lots that were completely encompassed within that buffer.

Mr. Rhodes: And, of course, there was the discussion by the citizenry that asked what does this need to be different than the Ches Bay? And it was a good question. I know we evolved at the 200 but then suddenly when it's presented back, you go...

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Mr. Fields: Well, it is a good question. Not to say that there probably isn't compelling reason for additional buffering but I am just wondering what the number is.

Mr. Rhodes: Why is it 100? Why isn't it 50 or (inaudible)?

Mrs. Carlone: Excuse me, if I could interject something. It does coincide with the habitat. I took some notes on that. There is a 200 foot buffer but, if you had gone several years ago, maybe about 8 or 9, to Abel Lake where it was all habitat, nesting, turtles, the whole schmear, this is a drinking water reservoir. Now, the habitat does have 200 foot, in 1988 someone of intelligence worked out that figure; it wasn't just grabbed out of the air. I am just saying how I feel about it.

Mr. Rhodes: I would just say that it should be able to be articulated. I am not necessarily vehemently opposed or anything, but I think it is worthwhile to be able to articulate why you pick whatever the number is, if there is a logic behind it versus 200. I don't know that we can articulate why in the previous one... I don't know. And I don't know if we can or can't, why it was 200 and it was a great number. But Ches Bay is something you can refer to and so it's 100 and that is a starting point and a good logical point. If, as we go beyond that, I think it would be good to be able to answer why we picked that number.

Mr. Howard: So, is it to perhaps find out why it's 100 foot in the Chesapeake Bay Water Act? Maybe we should understand why that's 100 feet.

Mr. Rhodes: Or if there are other reservoir overlays that can articulate the rationale for x... whatever x is. If it's 173 feet, I don't know. But I just think we should be able to answer that question. It was a great question to ask and it would have been good to have been able to answer it.

Mr. Howard: We don't really have the answer.

Mr. Rhodes: Yeah.

Mr. Fields: I might recommend maybe if we could ask Steve Hubble to be at the next meeting to discuss some of that? Or, if you think someone else is more appropriate, I just know from working with Steve on many environmental issues... what I would like to understand is, obviously what we are looking for is the filtration protective effect of vegetation on all kinds of potential contaminants as they are run into. So I would like to understand the science of how many feet of what type of thing gets you what kind of protection so that we can understand how the scaling of extra protection works with X number of feet of buffers. Does that make sense? We know the Ches Bay is 100, so if we want to go greater than 100, what additional quantifiable results are we going to get, improvements are we going to get for different amounts of space?

Mr. Harvey: Yes, Mr. Chairman, we can have staff available to talk to you in more detail when this issue comes back up. Generally speaking, there were a number of studies done prior to the adoption of the Chesapeake Bay Act that showed you it had a nutrient removal rate with buffers of 100 feet and width. And that was part of what was used to show how we were improving the water quality of the bay. I will have staff check to see if that can be extrapolated to longer buffer widths. During various proposals we have had over the years, there has been various arguments and debates whether if you go beyond 100 feet if it is effective or not, and we can dig up those discussions too.

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Mr. Fields: Well, that's important. And also, I am trying to get back to our original discussion on contamination. Are we talking about... is the critical issue for the drinking water supply nutrient contamination or other types of material contamination? Can somebody refresh my memory on how that is articulated in there? I mean, nutrient contamination is constructive to the habitat of the water itself and the watershed itself. Is nutrient contamination a problem for the purification and the integrity of the drinking water supply in and of itself?

Mr. Harvey: My recollection from the presentation Mr. Critzer gave several months ago was that they have to treat the drinking water for a number of factors; no one of them right now is currently a problem but it's more of a preventive measure with this Ordinance.

Mr. Fields: But extra nitrogen and phosphorus is still something they would have to amp up their water treatment process for.

Mr. Harvey: My recollection was they were treating for a number of factors...

Mr. Fields: I remember the presentation and there was long list but the details of it have escaped me at this point.

Mr. Harvey: Well, we can dig that back out again and go over that with the Commission.

Mr. Fields: A lot of the Chesapeake Bay Act is there to protect primarily on nutrient loading and sediment control versus necessarily contaminants. I just want to make sure that the goals and the science there is what we want to do.

Mrs. Carlone: These are some of our local creeks and streams that lead also into Abel Lake and also into Curtis Lake, and a lot of them contain E. coli, PCB and fish tissue. Anyway, this is in our local Accokeek Creek, Aquia Creek and Potomac Creek. So, yes, if you would find out what can be removed or what can't be removed out of our drinking water but all of these streams, as you know there are quite a few of them... Long Branch leads into Abel Lake for one. There is another large one that feeds into Curtis Lake. When I read this list, it's unbelievable what's in some of these creeks. And then I understand that DEQ doesn't have standards for phosphorus and nitrogen. But anyway, I don't know if you've seen this but a lot of contaminants, and I don't know how they affect or how they can be cleansed.

Mr. Fields: Sure, thank you. Mr. Di Peppe?

Mr. Di Peppe: I think if one wants to debate what is a relative advantage of this particular size buffer versus another, no matter what number we pick people will point to us and go "that's arbitrary", but I think the science is clear that... I mean, it's seen worldwide that there have been plenty of stories and studies shown that with the lack of buffers what happens and the difficulty once you have a serious problem of cleaning it up. So, generally, if you can have a decent wide buffer, the natural buffers it's a fact filter the water. Now why the Chesapeake Bay is 100 feet, well they are trying to capture as much of those nutrients and other things from going into the Bay. I would argue a wider buffer is more important because you are talking about drinking water. And if I am going to err in one direction, I am going to err in caution. And, 100 feet is an additional 33 yards. I think what we are trying to do is it's clear that buffers are important as filters. And also, while I am on this point, they bring up the point can't they clean out brush and dead trees. Well, I have seen this so many times that often when you are near a water source, people want the view shed so they cut all the trees down and go "I was

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clearing out brush, these were dead trees” when really the motivation was they wanted waterfront property with a view. So if you don’t have at least some fairly strict guidelines and, for the most part, stay the heck out of the RPA, or the CRPA, because usually if you go in there and clean it out you are definitely going to reduce the effectiveness of the buffer. And I would go back to this is the drinking water. This is my own personal opinion, but I think you can go back and read study after study after study with EPA about the importance and width of buffers and I would hope that we maintain a strong buffer system because it is shown that it makes all the difference. In fact, I read an article years ago about a river in Japan that had gone through an industrial area of a city and it was completely dead, and how they brought it back was they re-established the buffers and the river came back.

Mr. Fields: I’m not arguing the efficacy of buffers, I just think if we are going to increase beyond the standard of 100 that people raised a legitimate question.

Mr. Di Peppe: Oh, I think it’s a legitimate question.

Mr. Fields: Why 200? In other words, I don’t know the science behind how buffers reduce pollution; is it a linear progression meaning that you get X reduction for 100 and two times X for 200? Or do you get two times X at 125 feet? Is there a logarithmic progression to the buffering effect versus a linear progression?

Mr. Di Peppe: I think it’s going to depend on what is in the buffer, the types of plants in the buffer.

Mr. Fields: Well, I think what we are saying is the standard profile of the CRPA Chesapeake Bay Act buffer. If you extend those buffers X number of feet, what extra protection do you get?

Mrs. Carlone: Okay, just very quickly. The leaves from the trees slow the run-off, the brush also slows the run-off so the water has the chance to filter into the ground. Now, our driveway is 300 feet so 200 feet to me is... I mean, it’s a safeguard for drinking water.

Mr. Fields: I’m not disagreeing. Okie doke. So, we are going to have Steve Hubble or somebody from Environmental to be able to answer all these really tough questions?

Mr. Harvey: Yes sir. I guess we were kind of addressing question 11 in our discussion.

Mr. Rhodes: Yeah, we jumped past.

Mr. Harvey: We still haven’t dealt with the question as to how the Commission feels about...

Mr. Rhodes: Now, wasn’t one of the points that the Ordinance doesn’t reference land disturbance right now as it stood?

Mr. Stepowany: What part about that question?

Mr. Rhodes: As the proposed Ordinance was previously drafted, did it reference land disturbance? Or clearing and so forth?

Mr. Stepowany: Yeah, as a prohibited use, any cut in the trees or the removal of vegetative ground cover except for onsite sewage disposal systems. So, that raised the question as to what extent are you allowed to cut trees or not allowed to cut trees or removal of vegetative ground cover.

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Mrs. Carlone: It was addressing the dead trees. The minutes to the meeting for September does cover a lot of the answers, not in depth; maybe a lot of the specifics that maybe we need to put in but it does cover a lot. I went through that you all provided.

Mr. Fields: I guess we came back to the idea that weren't we sort of... one course of your suggestion was saying that underbrush and dead trees be cleared in accordance with CRPA guidelines, correct?

Mr. Harvey: Yes.

Mr. Stepowany: Yes.

Mr. Fields: So, until we decide whether it's 200, 100, 125, that kind of question just sort of floats with the determination of what the buffer is going to be. Does that make sense?

Mr. Harvey: It can, unless the Commission...

Mr. Fields: It certainly seems that CRPA... brush and dead trees within the CRPA certainly seems to be already addressed by the CRPA and Chesapeake Bay Act, correct?

Mr. Harvey: Correct.

Mr. Fields: So, we are just asking how far is that going to extend at this point. Are we going to extend that extra distance?

Mr. Rhodes: Beyond the 100 feet. So, the 100 feet is already covered and then the question would be should you have a buffer that goes beyond 100 feet, would you extend the same types of provisions or would you just... again, I think it comes from this follow-on discussion we will have next time when Steve comes. That might help inform how much difference will it make.

Mr. Fields: It seems to me if you are going to have an extra buffer, then whatever extra buffer you apply would have to, if it is going to have any efficacy, would have to have the same kind of standards as the CRPA.

Mrs. Carlone: Mr. Chair, what also enters into this that should be considered is there was a recommendation to eliminate the fertilizers, pesticides and etcetera from the text... I am skipping a little forward on this. But that should factor into this 200 foot buffer also.

Mr. Fields: Okay, thanks for pointing that out. So, we are going to push this future discussion to next time possibly. Accuracy of map to the tax parcel ID level, not clear. Any citizen should be able to, by going on the County website, be 100 percent clear whether their parcel is or is not in the buffer.

Mr. Stepowany: Correct. We have been told by the GIS office that the web page that has the Reservoir Protection Overlay District maps that you can identify your property by tax map and parcel. And you should be able to clearly identify which zone you are in by identifying through the web page. That has been updated.

Mr. Fields: Okay. Any questions on that? Alright. Will animal farms and manure disposal be regulated?

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Mrs. Carlone: Mr. Chair, that was well explained by Andrea Hornung to Jeff and Mike and Kathy that the bio-solids are regulated by the Health Department and that it is human waste. But anyway, bio-solids is treated waste from wastewater treatment plants, so no, they are safe with that animal farm. I think it was Mr. Adams; that was one of the questions.

Mr. Harvey: Mr. Chairman and Mrs. Carlone, I believe some of the questions were if there was a stockpile of manure that emanated from onsite, is that something that would be regulated? And other parts of the County Code talk about solid waste and refuse and technically it could be classified as solid waste. So, as a bold point for discussion, the staff points out that you could have provisions that say they would have to be covered in some sort of manner, whether you put a tarp over the stockpile or you put it inside a building with a roof. The real issue is they are trying to control the run-off with that manure. Rather than prohibit potentially those types of activity, you could look at it and regulate it in a different manner.

Mr. Di Peppe: Well, like chicken and turkey manure is a big problem in this state with run-off and with the Chesapeake Bay Act and things like that because they do stockpile and tend to use that on farms. And then you get all that nitrogen that goes right into the streams and you've got problems. I don't think we have any chicken or turkey operations along here, and I don't think anybody is trying to say if you have horses you can't use the horse manure on your garden. But I think it is a problem if you start piling it up. You better do something to cover it up because with the rain, that is a lot of nitrogen that goes directly into the water. The less you put in your reservoir, the less you have to clean for and take out. And I think it is prudent.

Mrs. Carlone: I would certainly agree to if the manure was going to be used for sale, then to see that that was covered. But, as far as some of these regulations, it doesn't appear that to spread it is not a problem. But I would recommend then that if it is used for sale...

Mr. Di Peppe: And it's somewhat limiting because they are only going to put so much manure on their farm before they start burning it up, the land. You know, if you are using it for fertilizer, there is only so much of that you are going to use.

Mr. Fields: Okay.

Mr. Di Peppe: In this case, is there an extension agent that might come in and talk about that sort of thing? Is that worthwhile? I mean, I am just throwing that out.

Mr. Fields: I think, once again, just like as we try to unravel these others, I don't want to try to second guess people that are engaged in agricultural activity how they do their activity. I know just enough about it to be very dangerous (inaudible).

Mr. Di Peppe: But if we brought an extension agent in to address these... how much of a problem is this? Do we have that problem here? Are we likely to have that problem? Are we regulating something that doesn't need to be regulated?

Mr. Fields: Right.

Mr. Di Peppe: But, I would recommend that we... just like we are asking other folks to come in and talk about the RPAs, what should be done, I would like to see an extension agent come down here and

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talk about what are the problems with storage and piling up manure, using it, what are the dangers, are there some simple things to do to solve it? Do you need to do anything?

Mr. Fields: We should probably, because we have question number 8 which is also definition of animal units per acre...

Mr. Di Peppe: I think anybody with agriculture might appreciate the fact if we bring some of those people in that have that expertise.

Mr. Fields: That's what I'm thinking. Jeff, do we have somebody in mind? Is there still an extension agent for Stafford?

Mr. Harvey: Yes, we can get someone to come to the Commission.

Mr. Fields: Okay. Does that sound like a reasonable solution? Okay.

Mrs. Carlone: Excuse me, can we have that clarified? They do have individuals at Tri-County that work with this. Maybe we can invite someone from the Tri-County Soil and Water Conservation District.

Mr. Fields: That's a good resource. Just in recent years, I know the extension office, like a lot of State agencies, is getting thinner and thinner and thinner. Because there is relatively limited agricultural left in Stafford, I don't know how much resources the State devotes to this region anymore, sadly.

Mr. Di Peppe: I just think we would be on much firmer ground with the residents if we point to an authority, a source that says this...

Mr. Fields: We've got to know what it is we are talking about.

Mr. Di Peppe: Otherwise, this is received as arbitrary.

Mr. Fields: Yep.

Mrs. Carlone: Can this be done at the next meeting? Have we determined if we are going to have two?

Mr. Fields: Well, I guess we can try to get the environmental person. We need to talk further about whether we want to have a second meeting in December or not.

Mr. Harvey: We certainly can get our internal staff here for the December 2nd meeting. However, trying to work with outside agencies may take longer to coordinate. I am not certain of scheduling and everything.

Mr. Fields: Yeah, okay.

Mrs. Carlone: Well, they have enough personnel, they could do that.

Mr. Harvey: We could do that.

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Mr. Fields: Alright. We have these other people here for the Onville issue. Do you want to press the pause button on this, take up the Onville issue, see where we go with that and then come back to this? Or break for dinner and then come back to this this evening? Is that okay?

Mr. Howard: Mr. Chair, I will recuse myself from the dais.

Mr. Fields: Mr. Howard has left the building.

2. Groundwater Management Plan Ordinance
3. Clustering in Agricultural Zoning Districts (**Scheduled for December 2, 2009**) (**Time Limit: January 29, 2010**)
4. Elimination of the Preliminary Subdivision Plan Process (**Deferred for legal analysis**)
5. Rappahannock River Overlay District (Deferred to subcommittee - Peter Fields, Ruth Carlone, Friends of the Rappahannock and Rappahannock River Basin Commission) (Request sent to Board of Supervisors for indefinite postponement)

REVIEW OF PENDING REZONING/CONDITIONAL USE PERMITS

6. RC2900007; Reclassification - Onville Retail Center - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow, with proffered conditions, future retail development on Assessor's Parcels 20-84 and 20-85 consisting of 2.05 acres, located on the west side of Onville Road approximately 300 feet north of Garrisonville Road within the Griffis-Widewater Election District. The applicant has proffered conditions pertaining to land use, signage, site development, transportation, and the demolition of existing buildings on the site. The Comprehensive Plan recommends the property for Urban Commercial and Urban Residential land uses. The Urban Commercial land use designation would allow development of commercial, retail and office uses. The Urban Residential land use designation would allow development of a variety of residential housing types at a density of up to fifteen (15) dwelling units per acre. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. (**Time Limit: January 19, 2010**) (**History - Deferred at September 16, 2009 Regular Meeting to October 21, 2009 Work Session**) (**Deferred at October 21, 2009 Work Session to November 4, 2009 Work Session**) (**November 4, 2009 Meeting Cancelled; Rescheduled for November 18, 2009**)

Joey Hess: Good evening Mr. Chairman and Planning Commissioners. Staff is bringing back to you the reclassification, Onville Retail Center. In your November packages, we pointed out in the memo there was another proffer statement that was revised as of October 28th and includes several revisions which we stated were...they revised proffer 5D-2 and that was to establish materials, design and colors of any proposed future buildings on site and there was proffer B2, which we revised to insure landscaping on the base to the proposed monument sign. Then you had proffer 3B which we revised to guarantee screening through the use of the rooftop. Any rooftop equipment would be screened by building features. The applicant did then add another proffer 3G, which staff recommended they remove since it was going to be a designs standards requirement at site plan. They did that on their November 10th proffer statement, which you now have in your October 18th packet. They also submitted a new architectural rendering, I don't know if you have had a chance to see that and staff

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also provided a picture of Doc Stone Professional Office which is across the street, just to give you an idea of what building is located near the vicinity of this proposal. With that I will be more than happy to answer any of your questions.

Mr. Fields: Olay, are there any questions?

Mrs. Carlone: The new photo is much better than the original.

Mr. Hess: That is a picture that staff took.

Mrs. Carlone: But I am saying the style and the exterior decorations is a lot better.

Mr. Hess: Oh, more in line with the Doc Stone building.

Mrs. Carlone: Yes.

Mr. Hess: Correct. That is what they were achieving.

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

Mrs. Carlone: No.

Mr. Fields: Issues?

Mrs. Carlone: No. I think I did mention...

Mr. Fields: This is in Griffis-Widewater, Ms. Kirkman's district.

Mrs. Carlone: I think I mentioned before that I was very happy to see the overhang, the covered walkway. I am just filling time.

Mr. Di Peppe: I appreciate the more effort used on the architectural design. This is a quick question, it is not a criticism. It is showing primarily, and I of course read the proffers, primarily brick and glass with, let me get it exactly correct. The primary building...exterior building shall be brick, glass, and architecturally textured masonry. I just have one question here because it is the same, it seems that the brick is the same on the one hand we have on the rear elevation there is the beige color and it's called brick. Where is the masonry? Like, for example, on the front elevation, is that masonry between the glass and brick on the back? And you will see on the Onville sign it's almost the same color... it's a little lighter shown as stucco. I am just not exactly clear and maybe I am just missing it. From what I am gathering, and I just want to make clear, that is that white portion above the glass, that's the stucco, and is it between the glass, is that brick? Because it doesn't seem to be labeled, or at least I don't see it on the front elevation.

Mrs. Carlone: Because the brick on the sign doesn't go on the exterior, it just shows that beige.

Mr. Di Peppe: Well, if you look on the front elevation up to the right above the tree, it says "stucco finish" with an arrow pointing to the white above. Is the beige between... is that brick? Is that what we are trying to show?

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Mrs. Carlone: It should be red brick to match the sign.

Ms. Tavora: Oh, yeah, there would be brick columns along the front and then the actual façade between each display window would be brick as well.

Mr. Di Peppe: Okay, can we get that somewhere in... just get that in the notation is all I want, that it's going to be brick.

Mr. Hess: Okay.

Mr. Di Peppe: Because it's not labeled on the front elevation.

Mr. Hess: I see what you are saying, okay. So you just want it restated more or less on the front elevation?

Mr. Di Peppe: Well, yeah, and I'm wondering, and I think Ruth brought this point up, you will see the brick along the bottom of the Onville sign. Is that going to be red brick there or is that going to be beige?

Mr. Hess: I mean, it's showing as a different color and they certainly have the option to change that color. I don't think we... because we said there would be in general conformance would be illustrated by exhibit, which is the exhibit you are looking at right now, and there are options of colors.

Mr. Di Peppe: Of which color brick they use.

Mr. Hess: Right.

Mr. Di Peppe: I imagine whatever it is along the column is going to be the same color they run along the back, whatever you choose. Okay, thank you.

Mr. Fields: Okay, any more questions? Well, the district is Widewater, usually we defer...

Mr. Rhodes: It's just across the street from Garrisonville.

Mr. Fields: Does staff have any sense of... when I spoke with Ms. Kirkman today, I didn't think through asking her about this issue. I haven't heard her express anything other than the general concerns. Is staff aware of any specific concern that she had?

Mr. Harvey: I am not aware of any concerns addressed to us.

Mr. Fields: Okay.

Mr. Rhodes: And it seemed to have been consistent along with having a better idea and understanding and shaping of the view which the GDP modifications over the last couple iterations and the refinement in the proffers, I think, have somewhat generally addressed that.

Mr. Di Peppe: And I appreciate the applicant working with us to address the concerns.

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Mr. Fields: And I do, because I don't think we had, my recollection is we haven't had any fundamental concerns, it has just been a question of...

Mr. Di Peppe: No, we just wanted to make sure we knew what we were getting.

Mr. Fields: We know what we are getting and we have, I mean with all due respect to the applicant, I think we have established a certain level of process here that we have an expectation that if you let people not play by the rules that other people are required to, that's not really fair to everybody else. So, I appreciate you working with us on this. Well, given that, does someone wish to make a motion for approval?

Mr. Rhodes: Yes, Mr. Chairman, given that it's my across the street neighbor of my district, reference RC2900007, Reclassification of Onville Retail Center, I recommend approval.

Mr. Mitchell: Second.

Mrs. Carlone: Second.

Mr. Fields: Second by both Mr. Mitchell and Mrs. Carlone. Any discussion on the motion? Alright, all those in favor, and in our new process, we are just not moving this to the evening session, we are moving for approval here.

Mr. Di Peppe: So they don't have to come back after? This is it?

Mr. Fields: This is it. This is disposing of it. Alright, all those in favor signify by saying aye.

Mrs. Carlone: Aye.

Mr. Rhodes: Aye.

Mr. Di Peppe: Aye.

Mr. Mitchell: Aye.

Mr. Fields: Aye. Opposed? Alright, motion passes 5 to 0 with 1 absent and 1 abstention through being recused. Okay. Very good, thank you very much. Good luck! Okay, that didn't take too long. Yeah, back to reservoir. Well, I think we are doing good here; this is making good progress. Like I said, those were all good questions. It's stuff we've got to figure out. Alright, can non-conforming structures be rebuilt if destroyed by an uncontrollable event.

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

Mr. Stepowany: Mr. Chairman, what staff has provided is the provisions in the Zoning Ordinance under 28-273 which currently says if a nonconforming structure is damaged or destroyed by any means by more than fifty percent of its fair market value/replacement cost, as determined at the time of the damage or destruction, it shall not be reconstructed except if done so in conformity with the current zoning regulations for the district in which it is located. That is the current requirements for any nonconforming structure. And then we have also provided, which is lengthy, the provisions in the State Code, 15.2-2307. And underlined, it says "however, if the nonconforming building is in an area

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under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph”. Again, it gets into such buildings damaged fifty percent cannot be rebuilt, repaired or replaced except to restore to its original nonconforming conditions. That is also in the State Code, the provision that we have. That is regardless of whether it is in a Reservoir Protection Overlay District or not, that’s the provisions in the County and the State for dealing with nonconforming structures that are...

Mr. Fields: There is nothing different about nonconforming structures in the Reservoir Protection at this point?

Mr. Stepowany: That’s correct.

Mr. Fields: This is the way that it is.

Mr. Harvey: Mr. Chairman, I guess to give the Commission a little perspective, we had a tornado I guess a year and a half ago, and that was a localized disaster, that was not a federal declared disaster. So that would not be eligible for the 100 percent rebuild.

Mr. Fields: Interesting. So, if you are going to get destroyed, it needs to be the bigger, the better.

Mr. Harvey: Under this code provision, yes.

Mr. Howard: Can we just get some clarity? Because if you read the first part of Section 15.2-2307, actually, in my perspective, it indicates that “vesting rights not impaired” and “the zoning ordinance shall permit the owner of any residential or commercial building”... and this is the State Code, right Jamie?

Mr. Stepowany: That’s correct.

Mr. Howard: “Residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such a building is damaged greater than fifty percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so.” But, what I am hearing you say is that they won’t have the right to at least bring it back to the existing condition, based on 28-273. Is that right? To me, that’s a conflict. I am not sure if I understand it. Anybody? I am asking specifically because we had an issue with a business owner, if you recall, on Shelton Shop Road several months back. But I didn’t know this in the State Code. Of course, we referred to the County Ordinance, Section 28-273, and required the person to go through a Special CUP again because it was nonconforming to build it back to its original condition, which is interesting.

Mrs. Roberts: Well, the way I am reading this, 15.2-2307 allows it to be repaired if it was a natural disaster and eliminate all the nonconformities to the extent possible without obtaining a variance. However, the second part says if it is damaged greater than fifty percent and cannot be repaired or replaced except to restore it to its original nonconforming condition, they can do or they don’t have to worry about going above and beyond in trying to eliminate the nonconforming.

Mr. Howard: Right. But they still need a building permit through the County, right?

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Mrs. Roberts: Correct.

Mr. Howard: But I thought, Jamie, and maybe it was just the way I was listening, were your thoughts different than that when you read the first paragraph?

Mr. Stepowany: I think all I caught was about the fifty percent and cannot be repaired. I probably did not read the next sentence. I apologize for that.

Mr. Howard: But, the spirit of the meaning that Gail just outlined, is that different than what you were originally thinking? It was for me when you read that. Yes? No?

Mr. Stepowany: Yes.

Mr. Howard: Because that was a big bona contention I thought with some of the residents that came that if they had a shed or had something that all of a sudden becomes nonconforming, what if something were to happen. What if there was a flood or... I remember two people specifically asking that question, which I am sure that's why it's on here.

Mr. Fields: So, this would indicate that they would have the right.

Mr. Rhodes: They can. Yep.

Mr. Howard: Under those specific conditions that are referenced there, sure.

Mr. Harvey: The one issue would be if there was more than fifty percent damage and it was not part of a federal disaster, then they could not rebuild.

Mr. Rhodes: Why not?

Mr. Harvey: If it's more than fifty percent damaged.

Mr. Rhodes: If such building is damaged greater than fifty percent and cannot be repaired, rebuilt or replaced except to...

Mr. Howard: This is saying destroyed by a natural disaster.

Mr. Rhodes: Except to restore it restore it to its original nonconforming condition.

Mr. Howard: Well, it doesn't indicate anything about a federal...

Mr. Rhodes: They shall have the right to do so. This is just natural disaster.

Mr. Howard: For me, that's where the difference was (inaudible).

Mr. Rhodes: So, that means they can do it.

Mrs. Roberts: Yes. (Inaudible).

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Mr. Stepowany: To its original nonconforming...

Mrs. Roberts: (Inaudible) because of a natural disaster.

Mr. Rhodes: And then above it says if it's destroyed more than fifty percent by any means, it shall not be reconstructed except if done so in conformity.

Mrs. Roberts: Right.

Mr. Rhodes: So those two are in conflict.

Mrs. Roberts: No.

Mr. Rhodes: Okay, 28-273 says if by any means to include natural disaster, it's destroyed more than fifty percent it shall not be reconstructed except if done so I conformity with the zoning regulations, which means not to its nonconforming condition. But 15.2-2307 says if by natural disaster over fifty percent if it can't be repaired except for to its original nonconforming condition, they shall have the right to do so.

Mr. Howard: That's what I was indicating I think is a conflict.

Mr. Fields: Yeah, it does seem to say exactly the opposite things.

Mrs. Roberts: I think the difference is and the confusion is this paragraph I believe is dealing with just the natural disaster. And while our current nonconforming ordinance that talks about repairs just talks about destruction of homes. So, if my house is burned down, although I now think we have an exception for residency or for single family residences, but if we didn't have that, I would not be able to rebuild unless I came into conformance. But now, with this provision, if a natural disaster was declared, these are the rules that would take.

Mr. Di Peppe: I think the point that is trying to be made is do we need to change the first one because it says "by any means" and then we go on in the second one and go but you can't do it for any reason in the first one and then in the second one it says but if this happens, you can. So, I think that's the conflict.

Mr. Field: What is the County Code? Section 28-273 is the Code of Stafford; 15.2-2307 is the Code of Virginia.

Mr. Rhodes: So, it's meaning by any means other than natural disaster for (inaudible).

Mr. Di Peppe: I wonder if we need to put that in our code?

Mr. Fields: Let's take a look at do we need to... is that a housekeeping issue? Because right now any means would include a natural disaster which obviously...

Mr. Rhodes: Going back to the larger issue of the Reservoir Protection Overlay, are the nonconforming structures... I mean, they're addressed...

Mr. Fields: Nonconforming structures are no different for Overlay than they are (inaudible).

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Mr. Rhodes: For Reservoir Overlay than they are (inaudible).

Mr. Fields: You are correct about that. Thanks for keeping us on tract in that one. It sounds like we may want to look into nonconforming structures just to make sure that we are consistent with the State Code.

Mr. Stepowany: Consistent with the State Code and the County Code.

Mr. Harvey: Yes, Mr. Chairman, because the provision dealing with the Federal Disaster Declaration is not in our current code which needs to be.

Mr. Fields: Okay. So, it's not necessarily related to this but future... make a note, we need to take a look at that. Homework. So, as far as the Reservoir Protection, I don't want to seem like I'm restating the obvious, so as far as the Reservoir Protection the Code, even if it needs to be amended, the Code regarding nonconformity is the code regarding nonconformity is nothing different about Reservoir Protection than any other part of the County. So that's the answer to that question.

Mr. Rhodes: And certainly that's a consideration then if you enlarge...

Mr. Fields: Creating nonconforming where nonconforming is...

Mr. Rhodes: Where you are creating nonconforming, yes.

Mr. Fields: Number 7, regulation of fertilizer, pesticides. I see the answer, and that's pretty much what we've been told, it doesn't matter what we think.

Mr. Stepowany: That's correct.

Mr. Fields: That's essentially what it says. The Federal and State deal with that.

Mr. Di Peppe: I want to be real clear with this because I had a discussion back and forth with a constituent who was very concerned about whether they could use fertilizer and that we're not allowed to regulate fertilizer, pesticides and herbicides. So all of that will come out. The only question I have is if we are using those manures as a fertilizer and we're saying we're going to make some restrictions on that, this says we can't restrict.

Mr. Stepowany: That's some of the things that we've had to discuss is how does this affect other...

Mr. Di Peppe: Yeah, I think that is an important question...

Mr. Fields: Does fertilizer refer specifically to chemical fertilizer versus natural fertilizer.

Mr. Di Peppe: Right. I think there needs to be some clarity. Otherwise, if we make these regulations about covering up stored manure, somebody would come back and say "you can't do that; you already said you can't regulate it".

Mr. Fields: Do we know the answer to that? Does fertilizer mean manure as well? Or does it refer to chemically manufactured fertilizer?

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Mr. Harvey: I'm not certain. I know the County Attorney's office had previously given us a Code Citation. We will look at that and see where that fits in.

Mr. Di Peppe: And do we need to maybe say in this part of it chemically... make the distinction? Is there a definition or something?

Mr. Harvey: We will pull out the Federal Code Citation and see exactly what it says.

Mr. Fields: Okay. Number 8 we said we were going to roll into the answer with number 5, when we get an ag expert in here to discuss agricultural practices. Number 9, how will vacant lots and future development be affected after enactment of the ordinance?

Mr. Stepowany: I may ask Mr. Harvey to address number 9, please.

Mr. Harvey: Mr. Chairman, in the case where you had the 200 foot buffer encompassing the entire parcel, or the parcel that was within the building envelope of the property, that would require a variance to be issued in order for that property to be built upon. The variance would have to be issued by the Board of Zoning Appeals and it would deal with the buffer would be created similar to a setback. It would have to be relaxation of the buffer requirements in order to build within that lot. The exception would be under vested subdivisions because they would be protected from any changes to the Zoning Ordinance. However, a lot that was approved prior to the ordinance, but was not part of any vested subdivision, these new standards would apply.

Mr. Fields: So, we may take an existing lot that is buildable under our current conditions and, by placing it inside the buffer, require that lot owner go to the BZA for a variance.

Mr. Harvey: Correct.

Mr. Fields: And the variance is not... wasn't that part of the discussion that the standards for a variance aren't necessarily in favor of the landowner under these conditions, right?

Mr. Harvey: You have to prove a hardship so it may be. In the case of one landowner, if I recall at the public hearing, he commented on wanting to build a house and have horses and those types of things. But from the BZA's perspective of variance, you would have to prove a hardship why you couldn't have a house in a specific location that that landowner wanted to put it in. A hardship as far as the location of where you would put the horse paddock and the barn; could it be somewhere else on the property rather than what was desired by the property owner. So, it would limit what the property owner could and could not do on their land.

Mr. Fields: And I believe the County Attorney, at the time, said if the entire parcel is within the 200 foot buffer and there isn't a house existing there now and they want to build a house, that very likely does not meet the standard of hardship condition. And they would not be very likely to win a variance. Isn't that the recollection?

Mr. Howard: I think that's what...

Mr. Fields: Because I think that is one of the major sticking points that I had. Is it possible to prohibit somebody the use of their property essentially.

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Mr. Howard: Yes. And I think it was the marine actually who drove up here to talk to us about that.

Mr. Fields: Right. So, this enlightens that but it doesn't get at that issue. I don't know how... do we have thoughts on how we are going to get around that issue?

Mrs. Carlone: It still states here a variance may be required to build a new structure within the 200 foot. So there is an avenue to take to be able to build.

Mr. Fields: Well, I think the discussion has been that, given the standards for granting a variance... I mean, we can't second guess the BZA but, what we are saying is, I believe Mr. Nugent said that the standard makes it highly unlikely to impossible that you could get a variance to build a brand new house on currently undeveloped property. It does not meet the hardship standard.

Mr. Howard: Exactly.

Mrs. Carlone: Well, to me that would be a hardship, that you can't build on a piece of property that you originally bought.

Mr. Fields: It would be to me too, but...

Mr. Rhodes: I came away with the impression that that would not be so for the BZA, and so I think that that is another variable and consideration. We could look at the science... a hundred feet exists. A hundred feet is what it is.

Mr. Fields: You can't build on a hundred foot RPA.

Mr. Rhodes: Right, so when we look beyond the hundred feet, I think we want to look at the science and it is our drinking water and we want to do smart things from that. But I think we ought to also consider, in relation to these dynamics that you would be creating, if you extend it beyond that 100 foot buffer.

Mr. Di Peppe: You don't want to make a person who owns a piece of property now totally valueless.

Mrs. Carlone: No. We understand that and there is a degree of we are trying to help them come out...

Mr. Harvey: Mr. Chairman, food for thought. To address part of the issue may be that you could structure the ordinance that it does not apply to existing lots; it would only apply to new development. So, the thought process would be that the new development could take the new standards into consideration as they get their project approved.

Mrs. Carlone: Well, that would be good.

Mr. Fields: So you are basically grandfathering all lots of record.

Mr. Harvey: That seems to be what a lot of the existing homeowners and landowners were questioning, is could they be grandfathered.

Mr. Howard: That's right.

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Mrs. Carlone: That's good.

Mr. Fields: Yeah.

Mr. Di Peppe: It might solve the issue.

Mr. Fields: I don't know how we couldn't not do that. Believe me, I am an ardent protector of the environment but, you just can't take somebody's property away from them. That's not fair. Can adjacent golf course maintenance be regulated?

Mr. Stepowany: Mr. Chairman, as was stated in number 7, the primary concerns with golf courses is the use of fertilizers, pesticides and herbicides. And that has already been addressed under bullet number 7 which is we can't regulate it in this ordinance. There were concerns made about Staffordshire Golf Course and staff wants to point out that it does have proffers for the use of integrated pest management. That is part of the facilities. So, even though we can't regulate it, they do have proffers that they work with the County on managing the use of pesticides and herbicides and fertilizer and other stuff.

Mr. Fields: Okay.

Mrs. Carlone: Jamie, they did also, I believe, proffer a 200 foot buffer next to the lake. That was one of the...

Mr. Stepowany: I believe so. Mr. Harvey can answer that better.

Mr. Harvey: Yes, that project does have additional buffers that were proffered at the time because of its proximity to the reservoir.

Mrs. Carlone: Okay.

Mr. Fields: Okay. Number 11 is being discussed when we have our environmental staff. Number 12, can existing failing drainfields be fixed?

Mr. Stepowany: Mr. Chairman, it says the repair of structural components of the drainfield is permitted and the use of the reserve drainfield is permitted, even if it in the buffer area, provided it was shown on the final plat. This ordinance would not allow a new drainfield, like a reserve drainfield, within the buffer area to be placed.

Mr. Fields: Okay.

Mr. Stepowany: So, if they have an existing established drainfield, even a reserve drainfield, because they are required to show them on the plats, then we would have to honor that and allow that reserve drainfield to be located in the buffer, if it was shown on the plat.

Mr. Fields: Is there... I'm not on the River Basin Commission anymore so I am not up on the latest on that... Jeff, or anybody on staff, do you know if, as the Chesapeake Bay Act deadline approaches and obviously we are not going to meet it and it is my understanding that the TMDL is already under way. The concepts and some of the development of those, the EPA is already getting started on that. Does

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anybody have any hearing about what is in thought for further restrictions on drainfields in general? How this would affect that?

Mr. Harvey: I have not heard any specifics about drainfields; most of the discussion I have been hearing about is dealing with stormwater management and the locality's requirement for its permit for its system. So, it will likely have further impacts on land development rather than drainfields or agricultural activities.

Mr. Fields: So they are going to be... what is it the MS-4 permit... is that where they are going to be focusing their enforcement efforts for the TMDL?

Mr. Harvey: That is what I have been told, yes.

Mr. Fields: Okay. We currently have that yearly permitting requirement in PDS for MS-4 system, correct?

Mr. Harvey: Yes.

Mr. Fields: So, there is already a current set of permitting standards for our stormwater?

Mr. Harvey: Yes. We have to show certain activities for compliance.

Mrs. Carlone: Mr. Chair, also a representative from Tri-County can discuss the TMDL because they are also involved.

Mr. Fields: Is everyone on the Commission familiar with the TMDL, Total Maximum Daily Load, concept and how that's evolved over time? I want to make sure we are on all on the same page. If you haven't, as the ability to voluntarily comply with the requirements of the Chesapeake Bay Act become less likely, the total maximum daily load is basically the total maximum amount of nutrients, phosphorus and nitrogen that we are allowed to discharge into the tributaries of the Chesapeake Bay from our non-point sources. Our point sources are already regulated. Outflow of a pipe is already regulated. But what the TMDL is and why it's a kind of a big deal, all of the stormwater, whatever rain falls on Stafford County, where it runs and what nutrients it contains will now require permitting from the Environmental Protection Agency. And that has been somewhat of a big issue and, Mr. Mitchell goes back farther than I do. I think you might have been on the Board when the original air quality... had that already been in place?

Mr. Mitchell: It was in place.

Mr. Fields: Okay, because you know the fact that we have to use reformulated gasoline is the reason of what happens when the EPA... when you don't solve your own problems and the Feds tell you how to solve it. I know I have preached ad nauseam about this but that has always been my concern if we don't come up with some as we have tried to create our own stormwater. So, in other words, because I kind of heard that from a friend of mine who is in the business of, that's what she does, is basically they were probably going to work on the municipal stormwater systems is about the only thing they could target and weren't going to try to go for agriculture, in any way, on these TMDL's. Is that kind of what you are hearing?

Mr. Harvey: Yes.

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Mr. Fields: Which would probably mean the septic. I didn't mean to long digression but it is kind of germane because if there is something more, suddenly the septic systems come under a whole new layer of regulation. And I want to know how this effect plays out.

Mr. Mitchell: Mr. Chairman, if I could bring back a memory for a minute. We had set up a number of monitoring stations all through Stafford... this was before me... and that is the reason that we were forced to do the emissions on vehicles. And however, one of the issues, and I am going back from what I remember from my first few months on the Board, was that we got a lot of easterly wind coming in from Ohio, Indiana, places where they were using coal, burning coal. So we got a lot of the pollutants coming into the wind stream and a number of our monitoring stations were catching stuff west of us.

Mr. Fields: Okay.

Mr. Mitchell: So, I remember that very distinctly. So we argued the point and talked about the point but they said "the monitors are the monitors, it is what it is, it's showing a pollutant count" and that's why we have been stuck with the emissions.

Mr. Fields: Many well-intentioned Federal regulators seem singularly uninterested in the logic of the argument. So, I am just concerned something like that is going to happen. Okay, well I think that gives us our homework on this

Mr. Stepowany: Okay.

Mr. Harvey: Yes sir. I guess the question for staff would be when do we want to bring this back up for discussion.

Mr. Fields: Well, I am sort of envisioning this as kind of as we can. We probably can't have one session where we get it all done, but if we get some of it done next session that would be good. I mean, the quicker we can answer the questions, the quicker we can get it back to the Board of Supervisors for their consideration.

Mr. Harvey: We will try our best to provide you with some information for your December 2nd meeting. With next week being a short week we will have the limited ability to turn too much information around. We may have to provide some of it to you at your meeting.

Mr. Fields: Alright.

Mrs. Carlone: Mr. Chair, so in that thought process, we will definitely then have the two meetings in December? Is that correct?

Mr. Fields: Well, let's talk about that. We have a couple minutes to kill before we move on to the next thing, before we go to dinner. I know that I cannot be here for the December 16th meeting; I have a performance engagement. So, that doesn't prohibit... my absence doesn't prohibit the Planning Commission from doing its job, but I don't know whether we have other things that need to be discussed. Do we have public hearings scheduled for that?

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Mr. Harvey: Well, Mr. Chairman, we have one potential public hearing scheduled for that. A land use case in your district; a proposed church in an M-1 zoning district, the Garden of Delight Church in Baron Industrial Park. That is the only land use case we have coming up that could potentially go to that second December meeting.

Mr. Fields: And that is a CUP?

Mr. Harvey: Yes. But we do have these issues that the Board has referred back to you. The one we just talked about, the Reservoir, we have the Comprehensive Plan and also the Cluster Ordinance. And in order to discuss those and consider holding additional public hearings for February when they are due back, we are kind of getting a little crammed for time.

Mr. Fields: Okay. Well, this will be in your hands Mr. Di Peppe.

Mr. Di Peppe: Ha. Wait a minute. Is it going to be a hardship to move the CUP to the first meeting in January? Is that a pressing...?

Mr. Harvey: As far as we know, there is flexibility to do that.

Mr. Di Peppe: The reason I bring this up, the whole discussion about the Comprehensive Plan, is that everybody realizes that we have a number of new Board members coming in with the January meeting. And who knows how much longer the Comp Plan is going to take. But for those of us that are leaving the Board, I would just, even though I worked on it for three years, I would feel more comfortable with people that are... the new representatives because, you know, whatever we say we think they should do, the truth of the matter is the new Board is going to be the ones that take the vote. And I think they ought to be involved in the discussion. I am just wondering, realistically, how much are we going to get done on that meeting a few days before Christmas. And would anything that we brought up and discussed really have any bearing on what actually is going to happen when the new Board comes in. I would defer on the Comp Plan that they obviously want to make some changes, that I think the people that are actually going to take the vote need to be involved in the discussion rather than us saying "this is what you should do". Because I have a feeling that they are going to have the discussion anyway. So I would move for one meeting in December just because, other than the CUP and if it's not a hardship to that group to wait two weeks, we might end up having a very short meeting.

Mr. Fields: Okay.

Mr. Mitchell: Mr. Chairman, I would prefer one meeting. Traffic is always tough but that last meeting timeframe, getting here in the afternoon is going to be an issue probably for several of us on the Board. So, again, and like Mr. Di Peppe stated, it's an issue that we can look at in the early part of January. And even the M-1 issue could fall in that perspective.

Mr. Fields: Mr. Howard?

Mr. Howard: Mr. Chair, it doesn't matter to me really, that's not what I wanted to say about the one or two meetings. And I appreciate all the feedback. But, Mr. Di Peppe, I think it's a mistake not to at least, if we only have one meeting, not to have this Commission, as it exists today, to go through the Comp Plan in terms of discussion points and issues raised and get additional perspective while we are still here together as this same group because that can only help future decisions going forward. So, Mr. Di Peppe's point, there is a lot of hard work put into that document. And to not, at least, give this

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group another chance to get their comments and thoughts in the notes and on record I think is a big mistake. So I would hope we could do some of that at whatever we decide, whether it's one or two meetings. So, that's just my thoughts on it.

Mr. Di Peppe: But could we do that in the December 2nd meeting?

Mr. Howard: Absolutely.

Mr. Di Peppe: I'm wondering if there's really enough to do for two meetings. When the Board of Supervisors changed their By-laws and said "we're not going to make any land use decisions after a certain date", a lot of things slow up. Then also, we are heading towards the Christmas Holidays and a lot of things slow up.

Mr. Howard: I am indifferent to the number of meetings. My comment is purely around I think it would be helpful for the County if we were to get those thoughts on the record anyway.

Mr. Rhodes: I don't think we have to lock this down now, we can talk about it some more after the break, but they have asked for something back February 2nd; we do have that on our plate. As Mr. Harvey highlighted, if we are going to have any other public hearing or anything else, to plan that to not start really considering it until the January session really doesn't allow you to accomplish it. So, maybe we mull that over a little bit and discuss this a little more as we come back. Just to maybe take a few minutes during this next thirty minutes and think about what would be the steps going forward and how do we think we can accomplish those.

Mr. Fields: Okay, good enough. With that, let's take a break.

REVIEW OF PENDING SUBDIVISION PLANS

None

REVIEW OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS

7. Amendments to the Comprehensive Plan (**Scheduled for November 18, 2009**) (**Time Limit: January 20, 2010**)

Discussed during regular meeting.

OTHER UNFINISHED BUSINESS

None

ADJOURNMENT

The meeting was adjourned at 6:59 p. m.

End of Work Session Agenda

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7:30 P.M. REGULAR MEETING

The regular meeting of the Stafford County Planning Commission of Wednesday, November 18, 2009, was called to order at 7:35 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Fields, Di Peppe, Rhodes, Mitchell, Howard and Carlone

MEMBERS ABSENT: Kirkman

STAFF PRESENT: Harvey, Roberts, Stinnette, Zuraf, Hess and deLamorton

DECLARATIONS OF DISQUALIFICATION

Mr. Fields: Are there any declarations of disqualification? Alright, hearing none we move to presentations by the public. I believe that is exclusively your domain tonight.

PUBLIC PRESENTATIONS

Paul Waldowski: I won't bore you with any poems or dumpsters today. I haven't written a poem about stormwater management, but that's what I am here today about. In 1994 Stafford County adopted the Stormwater Management Ordinance Chapter 21.5 of the County Code; updated in 2003. And, as you probably already know, the Board of Supervisors desires to protect the safety, welfare and property of all Stafford County residents and the qualities of water within Stafford County. The property I'm talking about, 102 Blue Ridge Court, Mr. Dudenhefer, who got duly re-elected, has... I've owned this property forward 20 years. Now, if any of you have been on the Board for four years that is twenty percent of the time. If you spend four more years on this property, it will be thirty-three percent of the time. The reason I'm bringing this up is I am one of 107 owners who owns a storm pond in a subdivision called Cabin Creekwood. Now, if you go back, the ordinance was done in 1994; the subdivision was built in 1990. Shenandoah, which also uses the storm pond, doesn't pay anything to keep it up or put a fence around it. And now we just got it inspected and we are told that we're going to have to dredge it. Wow wow. There is also another subdivision built after Cabin Creekwood, Woodson Ridge. I know you cannot find funds to maintain these ponds but I just want fairness, as was mentioned in the invocation, and I think the residents of Woodson Ridge and Shenandoah should have due diligence to take care of our storm pond. And to close, I just bought another piece of property that is under Mr. Cord Sterling's direction and I just found that I had become an owner of another storm pond. But I will leave that for another three minute speech. Thank you very much and may each of you have a great and happy Thanksgiving

Mr. Fields: Thank you sir; you as well. With that, we move onto our public hearing.

PUBLIC HEARINGS:

8. Amendment to Zoning and Subdivision Ordinances - Amendment to Section 22-57, Preliminary Plan; Section 28-248, Major Site Plan; Section 28-203, Rezonings; and Section 28-185.1, Conditional Use Permits. The proposed amendment requires Traffic Impact Analysis (TIA) to be submitted with applications for plans which meet the Virginia Department of Transportation's (VDOT) requirements as outlined in Virginia Administrative Code, Section 24VAC 30-155. The proposed amendment requires that applications for rezonings that generate

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more than 1,000 vehicles per day or meet the VDOT established thresholds submit a TIA. The proposed amendment requires that applicants for conditional use permit applications which generate an additional 150 vehicles per day and meet the threshold for rezonings or the VDOT standards must submit a TIA. The ordinance also adopts the VDOT 527 requirements for TIAs as the standard for TIA submissions. Currently TIAs are required when submitting a rezoning and conditional use permits under specific traffic generation rates. The thresholds for submitting a TIA will change under this ordinance. The ordinance adds Preliminary Plans and Major Site Plans to the list of plans potentially requiring TIAs. **(Time Limit: December 15, 2009)**

Fulton deLamorton: Good evening Mr. Chairman, members of the Planning Commission. I am Fulton deLamorton, Transportation Administrator for Stafford County, and the first public hearing on your agenda this evening concerns traffic impact analysis, the County Codes' revision in that regard. Computer please. Chapter 527 of the 2007 Acts of Assembly directed VDOT to write regulations for TIAs to measure transportation system impact on land development. The new VDOT TIA policy is in the Virginia Administrative Code. In January of 2008, the new policy took effect here in Stafford County and at that time staff began requiring a TIA determination with applications for rezonings and other types of development applications. This year VDOT advised the County of our responsibility to enforce the TIA policy. To provide information more uniformly and to eliminate confusion, the VDOT TIA policy is our preferred approach. To bring County policy in compliance with VDOT policy, four proposed ordinances have been submitted to the Planning Commission and to the Board of Supervisors for consideration. The first one, proposed Ordinance O09-45, affects preliminary plans. It requires a traffic impact analysis if the project meets the VDOT TIA thresholds. Currently, there is no TIA requirement for preliminary plans. The second proposed Ordinance, O09-46, is in regard to major site plans. It requires a TIA if the project meets VDOT's TIA thresholds and currently there is no TIA requirement for major site plans. The third, proposed Ordinance O09-47, affects rezonings. It requires a TIA for properties generating greater than 1000 vehicles per day or if the project meets VDOT TIA thresholds. And the fourth proposed Ordinance is O09-48 and it affects Conditional Use Permits. It requires a TIA when the permit allows a greater than 150 vehicle per day above the current allowable uses and if the total project, including the CUP, meets VDOT's TIA thresholds. Currently, the CUPs and the rezonings, the previous proposed Ordinance, a TIA is required under specific traffic generation rates. So these four code amendments, as proposed, will bring uniformity to County and VDOT policy and it will bring efficiency to the TIA scoping meeting and also the review of the TIAs. And therefore staff recommends approval. And I am available for questions, Mr. Chairman.

Mr. Fields: Are there any questions for Mr. deLamorton? We had this come up... it was a zoning or a CUP that we just talked about two or three meetings ago where we talked about traffic generation numbers. And this is all... so once again, in determining these thresholds we are still using the ITE standard numbers, correct? Do you have any sense of... I don't want to put you on the spot and we have talked about this many, many, many times... do you have any sense of whether the reality in Stafford, to the best of our ability to model or measure that, is fairly consistent with ITE? Because I think we were struggling with certain issues that had to do with the fairness of the ITE numbers when applied to this specific instance. And I'm not trying to put you on the spot, just the insight is all I'm asking.

Mr. deLamorton: Right. Of course, as you know, the ITE standards are just that; a standard that is used across the country. We have run into instances in the Transportation Division where those standards, those trip generation rates, I think could come into question as they apply to Stafford County. Certainly, if we had the resources, I would like to undertake a study to aggregate our own

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traffic generation rates for the purposes of some of the unique uses and the features here at Stafford County.

Mr. Fields: Sure. I assume the scope of that study would be pretty large, right?

Mr. deLamorton: Absolutely.

Mr. Fields: Way beyond... probably as complex as the... just orders of magnitude, as complex as the traffic impact fee study?

Mr. deLamorton: Probably so. We want to ensure that we get enough sampling in determining those rates; enough examples of the uses. It would require personnel doing traffic counts on weekends and probably in the evenings and holidays. So, yeah...

Mr. Fields: Yeah, that is really the only way you can do it. You have to just get a lot of data which is a lot of people counting a lot of cars. Okay, thank you. I appreciate that. And you know, we have had this discussion for years... I have always had this concern when we had the same thing when we had the traffic impact fees. So, Sir, did you want to speak to this public hearing issue? You are the only member of the public present so... If you would actually come to the mic we are happy to let you speak. We appreciate your input but I am officially opening the public hearing and inviting you. Thank you.

Mr. Waldowski: As far as traffic, one of the key issues that I have seen being a resident of 20 years here and one of them was taken care of a few years ago was when you go down 610 and you go to 1 and you are heading south, for many years all you could do was make a left-hand turn from the far left lane and then they finally made it to be the middle lane could be used either to go into Aquia or not. I see the same issue applies now to coming out of the commuter lots. Just the one lot, the one that is in back of the Wawa, where especially I see it in inclement weather or under snow conditions where when the cars are backed up you are downhill, you have a safety hazard and you have this whole middle lane that does not have a way to go two rights. So, I don't know if that applies but that is one of the aspects I have seen from a traffic standpoint. Thank you.

Mr. Fields: Thank you, I appreciate that. All right, anybody else wish to speak? Seeing none, I will close the public hearing and bring this back. What is the will of the Commission on this one? Are we ready to move this forward or do we want to take a look at it in the work session?

Mr. Di Peppe: Do we need to break it up into four votes? There are different ordinances...

Mr. Fields: How many actual items are there?

Mr. Howard: There are four proposed ordinances with changes to two ordinances.

Mr. Harvey: Yes, Mr. Chairman, staff would recommend you have separate votes on those ordinances.

Mr. Fields: Sure, yeah, absolutely. Are we ready to vote? Is there any discussion or questions or clarification? All right, so let's see, do you have a list?

Mr. Di Peppe: Yeah. Mr. Chair, I would like to propose approval of Ordinance O09-45 for Section 25-57.

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Mrs. Carlone: Second.

Mr. Fields: Second. Motion made and seconded. Any discussion? All those in favor signify by saying aye.

Mrs. Carlone: Aye.

Mr. Rhodes: Aye.

Mr. Di Peppe: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye.

Mr. Fields: Aye. Opposed? Alright.

Mr. Di Peppe: Yes, I would like to propose approval of Ordinance O09-46 for Section 28-248 for the major site plans.

Mr. Fields: Is there a second?

Mr. Rhodes: Ruth is going to second it.

Mrs. Carlone: I second it.

Mr. Fields: Okay, any discussion? Alright, hearing none, all those in favor signify by saying aye.

Mrs. Carlone: Aye.

Mr. Rhodes: Aye.

Mr. Di Peppe: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye.

Mr. Fields: Aye. Opposed? Motion passes 6 to 0, one absent.

Mr. Di Peppe: Mr. Chair, I would like to move for approval of Ordinance O09-47 for Section 28-203 for rezonings.

Mr. Fields: Is there a second?

Mrs. Carlone: It's Gordon's turn.

Mr. Howard: Second.

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

Mrs. Carlone: Aye.

Mr. Rhodes: Aye.

Mr. Di Peppe: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye.

Mr. Fields: Aye. Opposed? Motion carries 6 to 0.

Mr. Di Peppe: And finally, I move for approval of Ordinance O09-48 for Section 28-185-1, conditional use permits.

Mr. Mitchell: Mr. Chairman, I would like to second that.

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

Mrs. Carlone: Aye.

Mr. Rhodes: Aye.

Mr. Di Peppe: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye.

Mr. Fields: Aye. Opposed? Motion carries 6 to 0.

Mr. deLamorton: Mr. Chairman, thank you and I wish you all a happy Thanksgiving.

Mr. Fields: Thank you, Mr. deLamorton. See you soon. Okay, so now we are really back to these work session items. We got through the reservoir protection. I guess the next thing really is the Groundwater Management Plan.

Mr. Harvey: Yes, Mr. Chairman, we have Rishi Baral here to give you a briefing.

Mr. Fields: Okay.

Mr. Baral: Mr. Chairman, at the meeting on October 21 actually staff provided background on the groundwater management ordinance and further information related to the groundwater management ordinance. Staff has provided a report of three counties with groundwater management ordinances. The package on the groundwater management is included in the package but I will go through the highlights of those three counties. The first is Fauquier County. Fauquier County requires a

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groundwater management plan or hydro-geologic study on residential subdivisions of lots less than one acre or subdivisions with more than six lots in a residential district. And also in any commercial or industrial district that extracts more than 10,000 gallons per day. And they have two dedicated staff to do this kind of job and those staff are in the environmental division of that county. Also in Loudoun County, they have a design manual which is called Facilities Standard Manual. It describes what the groundwater management requirements are. Loudoun County requires a groundwater study for residential subdivisions that is not served by central water and sewer systems and Loudoun County has a Loudoun County Water and Sanitation Service Authority. If the project is within the area of the Service Authority, County and the water and sanitation both review the plan. And they have four staff to do that kind of job. Four water resource engineer's and also they have two geotechnical engineers who do some geotechnical review and some hydro-geologic study review. And for Albemarle County, they have also this in their groundwater management plan and we were not able to track as to how many manpower they had to do this kind of job. These are the highlights for the three counties. And for Stafford County we are looking for the direction as to how the Planning Commission would like to go ahead and we will go from there.

Mr. Fields: Alright. Are there any questions for staff on this issue?

Mr. Di Peppe: I have a quick question I guess to Jeff. I know how difficult it is right now... I mean, we look at some of these other proposals that other counties have and the amount of staff that they have to do that. Before we get into writing this, how much of a burden is that going to be on your staff in order to carry out? Are we going to have to ask to budget more positions or can you monitor this with existing staff?

Mr. Harvey: Well, as far as reviewing groundwater withdrawal studies, we don't have expertise on staff to be able to do that. So we would either have to acquire staff for that purpose or to contract it out. Contracting it out would require additional budgetary considerations because we would have to have a funding source to pay the contractor. We may get some of it reimbursed through application fees but typically you still have to have that money budgeted up front. The groundwater management plan had a multifaceted approach; the low, medium and high intensity approaches. The high intensity approach took into account the groundwater studies as well as looking at conditional use permits for projects within the recharge area which is the fall zone of the County and also had additional regulations. At this point in time, giving staffing constraints and budgetary constraints, it would be our recommendation that we consider, if the commission wants us to move forward with this, look at incentives for people within the fall zone area, the aquifer recharge area, to provide additional stormwater management for their site to promote infiltration which would maybe be a change to the stormwater management ordinance. Also, we could potentially look at other options in the zoning ordinance to give people incentives to provide buffers along intermittent streams because intermittent streams are some of your most critical areas for recharge because it doesn't flow all year, it flows only when it rains. And usually it soaks right into the ground or it runs off within a couple days. So, there may be some ways that we can come up with proposals to give people credit for open space ratio or floor area ratio or some other measures in that regard. And maybe some other incentives we could provide people if they reduce impervious area such as parking lot size and those kind of things. Or put a cap on the number of parking spaces that the County would allow for certain types of activities. So, there are a couple different approaches we can go at, however, given the situation with the budgetary constraints and whatnot, I think the staff would recommend we not pursue review of groundwater and requirement of groundwater withdrawal studies at this point in time.

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Mr. Di Peppe: One more follow-up question. I know that in the case of a rezoning, you could certainly ask them to do a study, right, if it was a rezoning situation?

Mr. Harvey: Sure.

Mr. Di Peppe: But are there any other studies that we require... because I know that things like where we get the Phase 1 archaeological it's because in a rezoning they will proffer that they will do that. But other than that, is there any way to require studies... do we require any other studies by the developer? The reason I am asking that is they pay for it. If they are doing the Phase 1 archaeological study, the developer pays for it and then it doesn't become a problem for staff. You certainly still have to look at it but they have to get a qualified company to do it.

Mr. Harvey: Yes, and then the developer would have to have a qualified company to prepare the study. If we are going to use it as a regulatory tool, then the County would have to have somebody who is qualified to be able to review that document and make sure that it actually does what it's supposed to do. In the context of studies that we require by ordinance today, we have requirements for determining the extent of perennial streams through a perennial flow study which involves field investigation, documentation and we have staff that reviews that. Similarly, if we were going to do groundwater withdrawal studies, we would need to have some source of mechanism to look to see if the studies are reporting accurately and are in a format that we can readily evaluate and use. Given our current staffing situation, we really don't have capable staff to deal with that. We have civil engineers but not ones that are focused in hydro-geology.

Mr. Di Peppe: So, if you were going to say to us, based on your opinion of what we could do the best course to follow, would you say that a certain of those studies just were not...

Mr. Harvey: At this time we are not prepared to deal with that, we probably could not deal with that. I would recommend that if the Commission wants to move forward with some things, we take a look at some of the zoning and stormwater management provisions first. And again, the question would be do you want to take a harder regulatory approach or do you want to make the ordinance be encouraging for people to do certain activities. One concern staff has is that if you look at where the fall zone area is in the County, it takes up a significant portion of the I-95/Route 1 corridor which coincides with our Urban Service Area for the most part and that is where we want the higher intensity of development and also economic development. So, we want to certainly encourage economic development and not discourage it, as well is encourage the growth in those areas for the purposes of transportation, efficiencies and other good planning practices. But we could come up with means to try to incentivize those types of good practices that we see desirable.

Mr. Di Peppe: Could you require pervious surface in that zone? I'm sorry, that is my last question. I mean, could that be one solution?

Mr. Fields: We kind of already do. I mean, our LID ordinance...

Mr. Di Peppe: Yeah, but I mean as far as like we are now getting pervious parking lots and things like that...

Mr. Harvey: We can look at those sort of regulatory requirements.

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Mr. Di Peppe: I mean, if you are in the recharge area and you require pervious parking lots, that might go a long way in getting that water back in the recharge area.

Mr. Fields: Parking lots are highly dependent on soil type.

Mr. Di Peppe: Yes, they are.

Mr. Harvey: There are other things that we can look at. Right now our parking standards have minimum requirements. Often times certain projects will exceed our minimum requirements by a long shot because that is their own corporate desire. But, in some cases, I have seen localities where they put a maximum required number of parking spaces, so you could have a minimum and a maximum. There are other things you can do to try to minimize impervious area but, on the same token, you have to be sensitive to the operation of businesses, especially in industry because they have larger vehicles that they contend with and more clear zones than a typical residential type of situation.

Mr. Di Peppe: Thank you.

Mr. Fields: Mrs. Carlone?

Mrs. Carlone: Pete, you probably remember what a pain I was about asking for a groundwater study for about five years in a row...

Mr. Fields: You were one of the lead voices in asking for that. You kept reminding us that that was something very important.

Mrs. Carlone: Anyway, the County did do one very brief one on the aquifers; I don't know what happened to it, it was just maybe not even a year. About 42,000 or something...

Mr. Fields: The Draper Aden study.

Mrs. Carlone: Anyway, at that time USGS was willing to go in with us on doing a five-year study with test wells, and I don't know if they would still do it that would perhaps bring the cost down to, I don't know, but it would be manageable for us even at this time. But they were interested in the Piedmont Plateau and we are also partly in the Piedmont Plateau where it is very difficult to get water. So, what they were going to do, very quickly, is to do test wells of either abandoned or to drill the wells. But it was going to be kind of a joint operation. Now, as far as stormwater ponds, people volunteering... we are getting a lot of changes in growth once economics get better. I am just concerned about how many would we really be able to get to use. But my primary point is if we could investigate if USGS is still willing to participate. At one time I think they said it was about 200,000. I was, I thought, fairly minimal for a five-year period. But that would give them a good idea... what it does is give them a good idea what your water table is and that also should be the basis for a number of homes say on well and septic; the drawdown of how the subdivision would be affected. Anyway, that's all... if you just maybe look at that.

Mr. Harvey: Certainly, we can make those contacts. That would be one method to see where we are today compared to times past and establish an overall study of whether our groundwater table is changing. That would address the Piedmont area; we still have the coastal plain area where you have areas that may be more susceptible to groundwater pollution. Also, those use some other aquifers that we are sort of the recharge area for King George County, Westmoreland County and Charles County,

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Maryland, so those are some of the things that we have to keep in our thought process for long-term. Presently, the State is reviewing the boundaries of the regulated area for groundwater withdrawals and it is my understanding they are looking at all the coastal plain area of the Commonwealth to include that part of Stafford County, which that would require permitting for groundwater withdrawals in those areas if you hit certain thresholds. There are pretty rigorous standards in which you would have to meet for those groundwater withdrawals.

Mrs. Carlone: The basis of all this, and certainly that could be part of one segment of taking a look at the groundwater, is just setting up a base level and then the periodic checking of the wells to see where we are with whatever development comes with it. It would be a good piece of data to have, but it could include the coastal and the fall.

Mr. Harvey: We will certainly check into what Federal agencies may have money available to do those kinds of baseline studies if that is what the Commission wants us to pursue.

Mr. Fields: I think finding the... doing monitoring wells and getting as much data in the Piedmont is the whole challenge. That is certainly what I remember about the River Basin Commission and the water supply studies that we were talking about there is that the Piedmont, just because... it is very difficult to generalize in the Piedmont because of the fractured geology of it so we don't have updated points. One of the things that I would like us, in Mrs. Carlone's suggestion in partnering with USGS, one of the practical things is not requiring like you say that I don't think we have the staff to the hydro-geologic testing as a prelude to development. But, if we could do whatever we can... let's go back and maybe pull the Draper Aden study, look at their recommendations, look at USGS and see what they have for implementing more monitoring and data collection of existing wells in the Piedmont area. It is my understanding that if we had better data we could do a better interpellation of potential effects. Does that make sense? That is my recollection to what the Draper Aden study had to say about that.

Mr. Harvey: I believe that was part of the reason why they were recommending that we do the wells studies is that you may have one neighborhood, as it goes in it affects another neighborhood that already exists and you drill a few wells in advance of the development to see what the impacts of the new project would be on the surrounding area. That was the main thrust of their recommendations but having some additional baseline information may be helpful.

Mr. Rhodes: Mr. Chairman?

Mr. Fields: Yes sir.

Mr. Rhodes: I agree with the effort to see what we could go about from different approaches towards baseline information but I was also intrigued by Mr. Harvey's comments recognizing the budgetary constraints and staffing limitations to pursue what might be other alternatives to try and influence positive behaviors or reward positive behaviors in that clearly critical minimal strip down our County. And I think that might be worthwhile as well to see what might be out there for consideration of adopting in the appropriate place our ordinance to influence behavior of developers if there is...

Mr. Howard: That is exactly where I was going to go, Mr. Rhodes. So, can you elaborate a little bit on that Mr. Harvey? What were you thinking about when you said that because that is intriguing. We certainly could reward those businesses who want to have an impact on the environment and it is part of their cultural that they do that but how do we can move other businesses who really don't have that on their radar screen, whether it is a pervious parking lot or it is a different way of thinking about how

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you manufacture a parking lot with additional green space in between spaces to allow water to come through. I think the stormwater management is critical, in particular, in the aquifer recharge area which is down the whole center of the county basically.

Mr. Harvey: There are a number of recommendations that we could come up with and bring back to the Commission, but some obvious thoughts are that with creating pervious pavement, right now under our zoning ordinance that still is a parking lot and counts towards your impervious surface. So if you get credit towards meeting on-site open space by having pervious pavers in your parking lot, that allows potentially the project to have a bigger building area. Or it may allow the project to have more parking than they could have gotten under conventional standards or some other factors. We would have to come up with some ideas and present them to the Commission and then maybe get some feedback from the development community on whether those types of incentives would be valuable and encourage them to go in the right direction.

Mr. Fields: Those are all good. The LID ordinance, of course, already provides some but what you're saying about that idea because in addition to just pervious pavers then there is also the idea, I know, that was around for a while of using on what is considered probable, very seasonal or occasional areas of usage in a parking lot to use these plastic strips that just harden the ground with what is basically even more pervious, almost a grassy area with those plastic sort of cells; it is like a honeycomb cell.

Mr. Harvey: There are things called grass rings, I guess, you are referring to that can be used for parking areas on a temporary basis or fire access, fire trucks...

Mr. Fields: And overflow parking. I know just anecdotally you certainly don't have the studies but certainly in 25 years of living around here you can count almost on one hand the number of days, at the most, typical commercial parking lots are actually maxed out. There seems to be an excessive amount of impervious surface here that just does not... only a few days out of the year and we are having to deal with an awful lot of stormwater that probably could be dealt with in a more creative way without damaging the capacity for the very occasional need for extra parking, it seems to me. Maybe, I guess what we are having a consensus on, is if we come back with a nice list if you could of possible strategies for incentivizing greater re-infiltration of stormwater in the recharge zone. Does that sum up what everybody is thinking?

Mr. Harvey: Again, we will try to come up with a list. We will try to hit those issues and some other issues that we think pertain to the overall groundwater management concerns.

Mr. Di Peppe: I think it is going to be one of the most important challenges we face as we move forward.

Mr. Howard: You have to believe, though, that if you do it right, down the whole center of the County, that the geography I guess to the right is the coastal plain has got to benefit, you would hope, as a result of making sure that right down the center of the County where you have the most amount of traffic and business where we are doing something different and smarter.

Mr. Di Peppe: And the technology is there.

Mr. Howard: Yeah, it is there. But it is costly.

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Mr. Di Peppe: It is interesting, though, with the parking lots sometimes if they do work, that there are actually savings over other stormwater practices. But, as Pete pointed out, it is critical that you have the right soils or it doesn't work.

Mr. Howard: Right.

Mr. Di Peppe: If you do... in fact, it has gotten the attention of some developers that they can actually save money over traditional ponds and things.

Mr. Fields: Okay, good. So, I think we are at a point of moving on with that.

Mr. Waldowski: Mr. Chairman, can I just say something?

Mr. Fields: Well, actually technically I am kind of being informal here and I respect your opinion but we are not really in a public dialogue session. If I start doing it for...

Mr. Waldowski: I understand.

Mr. Fields: Yeah, I understand. I know your thoughts are always good; I am sorry about that. If you would like to stick around though we don't have too much more... there a couple things on stormwater I would like to share with you actually. Comp plan. So, what do we want to do with that? Let's start all over again. Imagine Stafford County as a perfect sphere.

7. **Amendments to the Comprehensive Plan (Scheduled for November 18, 2009) (Time Limit: January 20, 2010)**

Mr. Zuraf: Good evening Mr. Chairman, members of the Planning Commission. The question to start out is there was some discussion earlier about how much detail you want to get into on the issues that were raised by the Planning Commission because we have provided with you a list of all the issues that were raised at the October 6 joint public hearing with the Board. So, we are ready to kind of go through those items point by point if you wish and discuss those items and see which items you want to, and issues, you want to address further or whether we should hold off on anything.

Mr. Fields: Well, where are we here; I don't seem to have that in front of me.

Mr. Zuraf: There is a two-page memo.

Mr. Howard: Mr. Zuraf, did you have any editorial on all the comments? Was there any staff overview?

Mr. Zuraf: Well, we were prepared really to go through item by item and see if the issues that were raised were issues that the Commission feels that it warrants change or whether we just want to talk about it and move on and proceed. So we can go ahead and do that. And so if you can go to the computer please. And also, as we are going through, Mary Bullington is here who would be able to bring up other layers of map information if we want to get into looking at any aerial photograph layers or other layers of information relating to the different areas that were brought up in relation to the land use mapping portion of the Comp Plan. What I have done in providing these comments is we have broken up the comments into the different categories that deal with this Plan. And the different categories include land use mapping, policies, plan elements, plan document information itself, and

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general comments. And then we have received some comments after the public hearing that we would like to share with you. But first, looking at the land use mapping comments that were received, the first comment that we have to go over was at this joint hearing. There were several citizens that were concerned with the land use map that was proposed having the park land use designation across the entire Widewater Peninsula. That area basically is all points south and east of the CSX rail line and so this basically would be the remainder of that Widewater Peninsula. Below that the next slide kind of shows you the existing land use and here you can see where the actual State-owned park land is in relation to the other privately owned land in this area. The State-owned land is the bright blue; that is institutional land use designation which kind of is in various spots all along the peninsula. It covers a lot of the peninsula but not all of it. The remaining areas kind of highlight some of the other residential areas. The beige shade is our parcels where rural residential uses exist. So, this is the... I forget the name of the subdivision... it is Widewater Beach Subdivision. There are a lot of smaller rural lots in this area and then you have other subdivisions along the Potomac River where there are homes. The lighter green is properties that are vacant. So you have mixed in homes and vacant land throughout the peninsula, but a lot of other private land. So, the question was or the concern was, why is the County designating park on my private land? And I believe at that time staff did address some of the concerns that were raised in explaining how this differs from zoning. It's not changing the zoning of people's property so I guess we're just bringing the issue back up to see if the Commission wishes to make any change in this area to limit the Parkland to where the state actually owns the land and leave the remainder as rural residential or agricultural. I'll leave it up to you guys.

Mr. Rhodes: Mr. Chairman, I am fine going down each item and discussing them. I might suggest another consideration as well is just kind of going through the discussion to bring us back to about five weeks ago, to bring us back to that mindset, and then after we just kind of go through them and we can discuss them in however depth anybody wants to. Maybe not so extensively and/or decision our guidance on each one. And at the end we start working our road map as to how to address this issue in the coming meeting and the coming meetings. Just another approach versus an extensive discussion on each one of them.

Mr. Fields: I think that is a good; I think we need to sort of get back into the... I agree, get the highlight. If that's okay with everybody.

Mr. Howard: Yeah, I was looking for the executive summary if there is one.

Mr. Zuraf: I can make it an executive summary.

Mr. Rhodes: I mean this was good to me. I just didn't know if we now needed to spend five, six, seven minutes trying to decide do we want to keep it in.

Mr. Howard: And I agree with Mike, but I think that was good to hear again. Because I am still not sure I understand why what happened, happened. I don't know, but it was good to hear that all explained again. I don't need the explanation why, it was good to refresh... I know it didn't change zoning and all that but it seemed to be a huge issue to people.

Mr. Di Peppe: It was completely disingenuous. Having worked three years on the Comprehensive Plan and as the Chairman the last year, the flyer that was passed around and circulated was done on purpose to be completely disingenuous and mislead people. Look, as we were looking forward, and I will put this real short, as we were looking forward to the next twenty years of Stafford County and looking forward with the amount of growth we were going to have, we needed to project. Because of

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the amount of growth, you need more park land. And so, what we had to do as part of the Comprehensive Plan is suggest if you were going to have more park land, where are some areas that might be best for this. It did not change... and people intentionally put out a fear factor that said they are designating your land park. If you are required, as you move forward, to say "well where might we put park land?" We are certainly not going to suggest Route 610 or 17. We would suggest areas like in Widewater where there is already a lot of park land so that if you did have the money, and if people were willing to sell, this is an area what we designated to say "this is the type of place that we would expect would be a good idea to expand existing park facilities". And another thing that went along with that is one of the big problems that we have in Stafford County is you need to have migration corridors and park land helps with that. And since you have the other park land, and not only this land but further down with Crow's Nest, you want to have ways that wild animals can migrate because if you don't... I don't know if you noticed this year, but I have noticed more than any other year how many deer have been hit on the roads. I mean, it's unbelievable. Why does wildlife cross the road in Stafford County? Because they have a death wish. It's a terrible problem if you don't. So what we were suggesting, and this was the only thing, since we were doing a twenty year plan we had to suggest if you are going to expand your park land, where might be some areas that this would be a good area to expand. That's all. Somebody took that and told people that we were going to take their land from them and that we threw a monkey wrench in the process. The people didn't have the courage to sign it because they knew it was untrue from the get-go. They wanted to create a fear factor and they wanted to throw a monkey wrench in the process. And I will give them this credit... politically they were successful. But it wasn't true, it was just saying, like I said, we are not going to suggest we extend our park land along 610. Widewater seemed to be a logical place not only because of existing park land, but because we wanted to connect up our park lands to provide migration patterns for the wildlife.

Mr. Fields: Okay.

Mr. Howard: And that was kind of my point to get Mr. Zuraf to clear that up for us tonight. I wasn't necessarily commenting one way or the other. I wasn't taking a stand.

Mr. Di Peppe: But you know... the government, I think we are all honest brokers here. I don't care what your political party. I, honest to God, have a tremendous respect for everybody who serves on this Board and I think the diversity is terrific. And I don't think anybody in here would do that sort of thing that is on this Board.

Mr. Fields: Okie doke.

Mr. Howard: But the one thing I would throw out there, though, just from a parent with four kids doing all types of sports... I was asking somebody earlier if they had been to the Smith Lake soccer fields and baseball fields. It's outstanding; the County did an outstanding job on that piece of property and I would love to see more of that happen. I am sure I will but that confused me when people came forward. I didn't see a flyer; I didn't know what you were talking about. Obviously I heard about it that night but I can see why there would have been confusion. And if somebody stirred it up, they stirred it up. I don't know. But it was a good explanation that I think Mr. Zuraf just gave us. I get it.

Mr. Fields: Yep. Okay. Alright, and again, with the idea which I think we all embrace, kind of skimming through this session, let's move on. The next one actually I volunteer that myself and Mr. Crisp can dispose of. This is essentially a very personal question with the Blaisdell's and the very specific piece of property in the George Washington District. I have infinite respect for the Blaisdell's

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and I consider them my friends and we talked a lot about this property. I don't really think it is necessary, at least at this stage, to collectively do this. This is a very specific personal issue that can resolve, I think, with myself and Mr. Crisp and the Blaisdells. So, we can move on past that.

Mr. Zuraf: Okay. Can we go to the computer please? Another item that was brought up is the property owners of the Renaissance Business Park. This is property that is designated heavy industrial but is outside of the Urban Service Area. The Urban Service Area is back by Argyle Heights and Argyle Hills and this is Route 3, Kings Highway, and this is the Renaissance property. And they were concerned that they were being removed from the Urban Service Area and they would like to be put back in.

Mr. Fields: So they were.

Mr. Zuraf: The next concern or comment that was raised was a concern that the land use plan was designating agricultural land use too close to more dense urban-type of development; specifically, a specific comment was made along Route 610. And I believe the area that was really being discussed was points just to the north of the Doc Stone Shopping Center and the residential community right behind it. And then you have agricultural and rural residential zoned properties just beyond that to the north and there was concern that why put agricultural this close to these urban areas because that may have the effect of promoting sprawl. This is just the existing land use in that area. Another concern was of the land use plan designating agricultural land use inside of the Urban Service Area. Again, this is the Urban Service Area boundary. This is Garrisonville Road, Shelton Shop, and so you have AG is agricultural land use recommended in certain properties along Garrisonville Road in one example. Another site is down along 17, this is Berea Church Road. Properties along Berea Church Road inside of the Urban Service Area recommended for agricultural. So there was a concern about that. There were other comments made about the Urban Service Area boundary itself. One being that the boundary is too confusing. It's like gerrymandering and then there was a request for further refinement of the Urban Service Area boundary. I think the concern made was that the area was reduced too much and the thought made by the citizen was that the Urban Service Area should attempt to achieve or accommodate twenty years of growth within the Urban Service Area.

Mr. Fields: I thought that goal was achieved though? I thought the projection said that we could do twenty years of growth inside the USA? Is that incorrect?

Mr. Zuraf: I think that County wide is closer to the twenty year projection. I think it is actually more like fifty percent.

Mr. Fields: Fifty percent. But the only way to accommodate twenty years of growth is with the by-right zoning and outside the Urban Service Area is to simply allow that.

Mr. Zuraf: Well, if you are limiting the by-right zoning inside, you may also have to downzone outside to achieve that. Or, if you still want the goals of limiting all potential growth.

Mr. Fields: If you want a certain target for twenty years and you want to increase it inside the Urban Service Area, you have to decrease it outside the Urban Service Area.

Mr. Zuraf: But some of this may get resolved when we get into the Urban Development Areas which still have to be addressed at some point.

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Mr. Di Peppe: Can I, real quick... On the last before this one, I just want to raise one issue for the Planning Commission to think about in the future is that for our land use, we list a lot of things as agricultural. But they are not going to agricultural. I mean, it's an all designation. It's really rural, and I am wondering, as we move on into the future, Stafford County might change some of the names of its land use designation to more honestly reflect what it is. I am not saying we don't have a number of people that have land in land use and actually farm or have animals, but how many actual working farms do we have in Stafford County anymore?

Mr. Fields: Not many.

Mr. Di Peppe: Not many. A handful. So, I am just wondering as you move on, I won't be here, but as you move on you may want to consider changing the names of some of your land use so that people understand.

Mr. Fields: I think that has been an issue that has been percolating for a long time. Okay, any more questions on this?

Mr. Howard: Well, that's a good question. How many farms are there? What do you consider a farm because...

Mr. Fields: There are lots of very... if I may speak because I have dealt with it, probably there are several layers of what you consider farms. True working farms that a hundred percent of the income is from is from agricultural work. It is probably three or four farms. Two of them, because they are in my district, the Young's farm, Blysdale Farm, and Silver Ridge Farm which Jerry Silver and his son Mike farm. Those are both full-time working farms with cattle operations. They both farm about a thousand to fourteen hundred acres of land which is primarily feed for four to five hundred head of cattle. Because there are a couple out in Hartwood. Tommy Cropp is more forestry, that is the other category. So agricultural meaning like livestock, crops maybe four or five. Several people probably combining some crop, some livestock and some forestry. Tommy Cropp would be an example; he has a sawmill. Some people having a sawmill and forestry land or a slightly added version of it, there are some people who have full time jobs but still farm a hundred, a hundred and fifty acres for some income and partly because it is cultural preservation. So, it is kind of how you define it. But full time serious, that's the only income; it's a tiny, tiny number.

Mr. Howard: And I ask because I think there is more, as you travel even in Rock Hill or Hartwood, there's a lot of cattle. It's amazing how many people have... I mean, it's a lot. And horses are another enterprise.

Mr. Fields: Well, horses are a whole other aspect to it. I am not including people...

Mr. Howard: I understand that. And that could be rural, certainly; a horse academy certainly could be rural. It does not have to be agricultural.

Mr. Fields: I think that one of the challenges... exploring this in some of the counties that have tried to do a little bit more with their ag preservation programs, my understanding is one of the key problems... Of course, the vineyards are another use that is becoming a big way of converting agricultural land.

Mr. Howard: And there are two.

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Mr. Fields: And there are two. So, what needs to happen, they are finding some successful models in urbanized areas. If people can create boutique agricultural, say gourmet food, both vegetables and livestock, ethnic niche livestock, livestock for both Islamic and Jewish are different types of dietary livestock, those are niche markets raising food for... organic food, those kinds of things. When I have talked to people in agriculture, they say the biggest problem they face is it's a question of finance stream, not even willingness. As you know, when you farm your entire financing mechanism is based on your next crop. And if you are going to convert from large scale commodities agriculture to niche boutique agriculture, there may be a period of two, three, four years where there may be nothing to borrow on. And that is one of the challenges a place like Stafford faces. As we look, and I don't want to digress too far, but I have always been, for ten years, trying to say if we can keep thinking, just put that in the box of things to think about, if we can constantly think of ways we can incentivize people to find alternative agricultural uses that are more in line with their proximity to large urban areas, I think we should do so.

Mr. Howard: That is a good point.

Mr. Di Peppe: And just like we are trying to incentivize better water management, incentivize exactly the kinds of things he is talking about.

Mr. Howard: There is nothing better than a home grown tomato.

Mr. Fields: There really isn't.

Mr. Di Peppe: Or honey.

Mr. Fields: I think we are getting some people to try which is, I think, something we need to keep. Okay, so we can move on.

Mr. Zuraf: Back to the computer please.

Mr. Fields: I'm sorry, are we going to slow Mike? Mike is trying to get us to move forward.

Mr. Zuraf: Alright, I'll cut you off next time. Another item that was raised was a concern about the recommended phased expansion of the Urban Service Area in the vicinity of the Centerport interchange. Here is Interstate 95, here is the interchange and the access road that swings over to Route 1. This hatched was added in at the Board level after the Planning Commission sent the plan. The Board kind of debated this area and added this in as a phased expansion, and there was some concern about the thought that this would be kind of a primary for some commercial development right by the interchange. So, there was some concern about that. There was a comment or concern about the potential expansion of sewer all the way out to Hidden Lake. This was another change addition made at the Board level during their review and evaluation to allow for and recommend the potential future expansion of sewer out to the Roses, Lake Arrowhead, Hidden Lake; some of these areas where you have the smaller lots on well and septic where you have had occasional cases of failing drainfields where they are now on pump and haul. So, that was raised that this type of effort would be too costly. When the Board debated this issue, they worked into the policy recommending this expansion that the cost of any future expansion to these areas would not be carried by the utility rate payers. So, they would look into other means of funding somehow. That was written into that policy. The next one was just a general comment to recommend more economic development around the airport. The

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airport is the AI; here is the runway. And then you have a lot of the land around it is designated business which is kind of a flexible category that was created that would allow anything from light or heavy industrial to different varieties of commercial uses. There is one property that is right along Centerport Parkway that is currently zoned A-1 and the plan still recommends that as agricultural. Another comment was to recommend refining the redevelopment area boundaries. One thing you will note is that these redevelopment area boundaries, they basically reflect a larger study area that was established for the study and development of more detailed redevelopment area plans which will be presented to and be unveiled in the next few months. And so, you will see the redevelopment areas studies will probably have more of a focused area within these locations. So, there are kind of some options to consider when considering the redevelopment areas against the overall twenty year land use plan. The redevelopment area plan is going to more so focus on like a five to ten year projection based on market needs. And so the areas are going to be a little smaller than these larger areas in the details in area that they provide. Some ideas or options would be do you just go and shrink the redevelopment area to match that or do you maybe consider some phasing, actually phase in the redevelopment areas where you have a five to ten year phase that is in line with these new plans that will be proposed, or and then you have the remainder expansion areas. So, there are some options to consider in these redevelopment areas. There was also a comment to define the actual Urban Development Area boundaries on what the version of the plan that the Planning Commission sent to the Board did designate Urban Development Areas. In the Board's deliberation of the plan, they looked at some different options, considered some different things and alternatives to what the Planning Commission originally proposed. And in the end they kind of felt that they needed to be a little more detailed in evaluation and analysis conducted, so they removed the Urban Development Areas at the time and replaced them with these redevelopment areas. We will share with you though that we may be able to get some help in getting some more detailed analysis for these detailed areas. We did just recently apply for a planning grant that has been made available through VDOT which VDOT is going to have on-call consultants that will be available to assist counties in doing more of the detailed analysis of potential Urban Development Areas and make sure that they tie in with the transportation situations in the different localities. So, we have applied and we will see if we get awarded that. That may help us out in getting some of that more detailed analysis on the effects and impacts of what an Urban Development Area will have on the area, specifically as it relates to transportation. Now going over some of the comments that were made on the policies, this first comment was one that dates back to when the Planning Commission was considering the plan, there was a commend again that the policies have the heavy use of "shall" versus "should" or "may" in the Goals, Objectives and Policies. And there is a concern expressed about that. And then another comment was questioning whether there was any representation from the Agricultural Commission. And then a general question of what the plans are and what the plan says for agricultural and generally does the County want agriculture or just specifically open space. The original steering committee did have a representative of the Agricultural Commission. Tom Coen was the representative from the Agricultural Commission. And regarding what the plan does say about agriculture, there are several policies that speak to agriculture and just general policies that encourage the activities and actions to allow for the continued agricultural use of land in the rural areas of the County. So, there are several policies that address that. And that just does tie in simply with the next part of that, that the plan does seem to support agriculture, the continuation of agriculture, in the County. The next comment was a concern about the recommended ten acre lot size in the military zones. As you will recall, the plan does include some policies related to the Quantico Military Overlays relating to the range compatibility zones, the air operation zones, and the noise contour zones. And within those areas, the plan recommends a ten acre lot size. So, a concern was raised about that and the person who made the comment said they would prefer Purchase of Development Right, which is a conservation easement program, to address that as opposed to attempting a downzoning. There were also concerns raised about the desire to apply the

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Transportation Impact Fees to the plan but that was removed by the Board because, while the Board was reviewing this, the ability for the County to impose transportation... the Comprehensive Impact Fees is no longer possible, but we do still have Transportation Impact Fees. So, there was a concern raised about that. Their request was to apply those fees to all new development or remove the dwelling units from the plan. And then just unknown impacts related to Transportation Impact Fees. Also, there were just some general comments that the plan discourages small business ventures and more mechanisms are needed to help small businesses get through the development process.

Mr. Di Peppe: Can I ask about that? How did the Comprehensive Plan discourage small business?

Mr. Zuraf: I don't know.

Mr. Di Peppe: The last person discouraged public input, but when somebody gets up and goes "your plan discourages small business" I would expect them to tell me how. As far as business ventures, if we use a million square feet a year and we have got 150 million square feet in the plan, we have 150 years of business growth, how does it discourage small business or big business or any business? I really listen to every comment but I think just that one by itself, I want someone to tell me how.

Mr. Fields: I think it centered on the conversion of existing A-1 properties and the costs of CUPs and rezonings. So, if you own an A-1 property and it's inside the Urban Service Area or in the proposed area of logical places for development and you want to convert it from A-1 to B-2 or B-3, the process and the cost can be extremely high and complex and tends to favor larger and larger incorporated entities and discourages someone like you and me who have been in business for ourselves.

Mr. Di Peppe: But does the plan really discourage it?

Mr. Fields: Well, if you have A-1 properties that are ultimately proximal to and near business areas, that kind of addresses it and this number 20 was basically my comment. The question is the solution; I personally feel that there is a problem. Do you create a solution by already going ahead and zoning it for them and then you've ran into a whole set of problems like we did with the comprehensive zoning around the courthouse where we suddenly have allowed by-right 300,000 vehicle trips per day because of the 400 acres of B-3 zoning around the courthouse, which I don't think is what anybody had in mind; with no proffers to mitigate it. Nobody really thought that... let's say that was an unintended consequence. So, you don't want to do that but at the same time you don't want to say that a small independent Stafford native business person doesn't get a shot at using those properties, they just have to look at it and go "well, you know, I'm selling it to some giant multi-national because I can't do anything with it". I think may if we talk with the Planning Commission and the Board work with Economic Development, are there ways that we can provide assistance to those people so that we don't have to compromise the integrity of our vision for the County but that we don't just hamstring independent businesses from proceeding. Some of the things we do now, you know, as much as I believe in them, some of the things we do now are problematic. We don't have it right yet, because if we discourage small independent businesses from investing in the County, we have to acknowledge that that is a failure.

Mr. Di Peppe: But is that a fee structure problem or a Comprehensive Plan function?

Mr. Fields: What I am saying, is it a process problem or comprehensive... It needs to be looked at, it needs to be addressed. That's what I'm saying.

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Mrs. Carlone: Excuse me, we do have a lot of empty storefronts, an increasing number of storefronts in the areas that you consider the commercial and business. Also, we have... I can think of one right now... that has been built out off of 630 that they have not been able to fill the little storefronts that they set up. That is puzzling though how we have discouraged small businesses. Your capital is what helps you make it or fail, the lack thereof of finances. I just don't see how that ties in with this. Okay, that's all.

Mr. Zuraf: Okay, back to the computer please. Next, the area of comments relate to the elements of the plan. The first comment that was received was regarding the financial impact model. That was removed from the plan. There were comments requesting that that be added back into the plan and then also, at the same time, comments to update the date of that is in the plan and some concerns that the information might be inflated. Also, there were comments that the economic analysis is lacking in the plan. The County does have separate elements of the plan including an economic development plan which is probably three to four years old, so it's not too old. And that does provide a little bit more of that economic analysis and would likely get updated after this overall Comprehensive Plan gets adopted. There were comments requesting the transportation element of this plan be beefed up and more integrated with this land use, more land use focused of the plan and concerns that it's not fully addressed and that would make the plan invalid. The intent of staff is to proceed with updating the transportation plan element as a separate document basically soon after the adoption of this overall Comprehensive Plan and see it as this plan setting out where the land use will be which is the main input in deciding what the transportation needs will be. So, that's the intent and it's probably something that, in talking with transportation staff, they were hoping to try to start talks with the Transportation Committee sometime soon on looking at the more detailed transportation plan element. And this is just kind of a snapshot of the draft land use plan with our current transportation plan over top of that plan. So, the changes to the land use would likely lead to adjustments in this draft land... or changes to any future transportation plan. Also, comments and other elements in Chapter 5, the existing condition section, there were general comments that we needed to update some of the existing conditions. Like portions of that chapter talk about the future hospital which, of course, is now built and open. So, there is definitely some outdated information in this chapter that is probably good for staff to go through and update. There is also the comment about the outdated analysis; we have the old housing market analysis from back in 2006 and staff had received that comment before to kind of go through and update that. And I think that's something we can do as well and get more updated data on the housing situation. And then, also, there was a request in the build-out of the land use plan to add 7,000 units because that is out of the redevelopment area plan. Staff is not certain about that. Those redevelopment area plans will be unveiled and I think that is something that may be considered to be added in as those redevelopment area plans are reviewed. The general comments received from the public included the need for more public input. There was concern that the public forums date back to 2006 although we, of course, have had week after week of meetings since then and a lot of chances for people to come even though it's not in the open public forum format. And then subsequent to the public hearing, staff did get other comments. There was a comment from a citizen who lives just south of the courthouse redevelopment area, has properties in this location. This is Accokeek Creek, Route 1 and they were requesting that consideration be given to extend the redevelopment area to include their property. They felt that they have some natural boundaries here with Accokeek Creek and this stream network and so they felt that the redevelopment area would be appropriate to extend down this far. Staff's concerns were that this area, the redevelopment plans are going to be really focused in on the center of the courthouse area, Courthouse Road and Route 1, and that area may be a little bit too far removed. But we did tell this person that we would share that request. Also, you did receive tonight a one page list of some comments that were provided by Anita Dodd, Chairman of the Historical Commission. She provided several comments on the portions of the plan that relate to the Heritage

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Resources; comments relating to the terminology that is used. One of the policies referenced older survey standards so she has provided the updated survey standards and suggested adding policies to create new overlay districts. I guess one of the policies references developing design guidelines and in the historic gateway areas but I know the County has not designated any of the specific historic gateway overlays. So, there are comments related to that. And then, some general comments relating to staffing which is something that is not really recommended in the general policies. It might be something we get into in the implementation plan but there are a lot of other policies that would bring about the need for increased staffing and it's not something that is just generally we raise throughout the policy section. And then she does provide some general comments on Chapter 5 where you have the brief history of Stafford County. She provided some clarification on some of that information. And this last comment is actually from staff. We now have more detailed inundation zone mapping and think that that might be something good to add in the existing condition section where we can kind of illustrate where those inundation zones may be located throughout the County as another feature to include in the existing conditions. And that is the summary of the comments.

Mr. Fields: Okay. Well, those should be easy enough to address.

Mr. Zuraf: Yes, yes, no yes...

Mr. Fields: Okay, so we are going to put this onto the December meeting so that... I think we all respect your comments, Mr. Di Peppe, but I agree with Mr. Howard. I think this Planning Commission should have its one final say on the record for what it believes is the Comprehensive Plan.

Mr. Di Peppe: I just thought if we got it done on the 2nd then we wouldn't have to meet on the 16th.

Mr. Fields: Oh, I think that's where we are going. I think we are all deciding... I think we have all decided. Have we decided we are not going to have a meeting on the 16th?

Mr. Di Peppe: Because I misunderstood... I thought you were going to... yeah, that's fine.

Mr. Fields: Alright, so I think we can tell staff we are not going to have a meeting on the 16th. That CUP public hearing, we will push that to the first in January.

Mr. Harvey: Yes sir.

Mr. Fields: That okay?

Mr. Harvey: Yes sir.

Mr. Howard: I have a question, Mike, on the historic overlay in the gateway. Did she have any examples of that?

Mr. Zuraf: No. It's just a general comment, general policy, because the...

Mr. Howard: Well, it's interesting and intriguing because just thinking about Route 1, whether you're coming from the north or the south, it's really not a bad thought.

Mr. Zuraf: Yeah, it was discussed a few years ago; gateways into the historic district, specifically Falmouth being a prime example.

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Mr. Howard: Yeah, sure, right there on Route 1 and 17.

Mrs. Carlone: The guidelines, we are working on those in the ARB.

Mr. Zuraf: Those are specific district guidelines.

Mr. Harvey: Mr. Chairman, there was discussion about this a few years ago and one of the main focuses was that section of Route 17 between Interstate 95 and Route 1. When staff looked at it more closely with the legal department, the state code at that time said that you could do it only on arterial roads and VDOT has not classified that section of Route 17 as an arterial road that met the classification under state code. So, we could not impose it on that section of Route 17.

Mr. Fields: That's right.

Mr. Harvey: But certainly other parts of Route 1 would qualify.

Mr. Fields: We had adopted the Falmouth Plan which guides development in the general Falmouth area and had hoped to have the corridor as well. That was actually a cooperative sort of planning endeavor with the City of Fredericksburg because the City of Fredericksburg was also desirous of having a more consistent historical corridor and Route 3 is kind of a lost cause and Lafayette Boulevard is a lost cause. The oldest section, which is the most primed for redevelopment, is that corridor coming off Exit 133. We worked that issue pretty hard on developing a set of design standards relating to the historical architecture of Falmouth and stuff like that. I am always happy to start opening that idea up and exploring it more. We could do a lot more in that regard, I think. You know, you travel all across the country and a lot of communities flat out look a lot nicer. And it's the will of the community to do so. It's their own choice; it's no accident.

Mr. Rhodes: Mr. Chairman, for the 2nd, I am inclined to take advantage of this group of people being together at least one last time to take maximum advantage of that as we do it. If we might, talk a little about what we might want to do on the 2nd. At a minimum, in my mind's eye, I would like to see us try and figure out what the following two, three, four or five meetings hold with regard to the Comp Plan to whatever degree we might be addressing them. That's one thing that stands out to me; I don't know what is in other's mind we might address but before we get to the 2nd I would just like to think about what we want to try and do on the 2nd.

Mr. Fields: Well, let's see. Do we have any... on the 2nd agenda at this point, do we have any other issues other than these things that we have already started today?

Mr. Harvey: Yes, Mr. Chairman, we have the Cluster Ordinance.

Mr. Fields: Okay.

Mr. Harvey: We have the Cluster Ordinance, we have the Reservoir Protection Ordinance and we have the Comprehensive Plan. Those would be the three items for discussion.

Mr. Fields: Alright.

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Mr. Harvey: From a staff perspective on the Comprehensive Plan, it would be helpful for us to know if the Commission wants to focus on the citizen concerns that were raised at the joint hearing or if there is some other direction we should be looking into before the 2nd so we can gather some information.

Mr. Fields: Well, I guess we can go down and get everybody's input. My input is that the two things that are a really big picture, I don't want to be too negative, I would like to say that I was a little discouraged in the joint public hearing that we spent a lot of time in the context of the Comprehensive Plan for twenty years dwelling on a lot of what I thought was very small details that are not necessarily deal breakers for the Comprehensive Plan whether one parcel is or is not in the Urban Service Area, whether the line goes one parcel 500 feet this way, 500 feet that way. Once again, particularly the Planning Commission's purview to me has always been long term big picture. That is what we are here to do. The Board of Supervisors is there to manage... drill into certain details, particularly the details that have to do with financial and economic development interests and other things that are specifically legislative purviews that we don't have. So, I would hope... it seems to me that the two really big picture Planning Commission issues as we look at these comments still revolve around the recommendation about the Urban Service Area and potentially how we want to handle the UDA's, Urban Development Areas. Those seem to me to be the two large big picture things that are still not settled. So, my personal desire is that we certainly begin the dialogue on the Comprehensive Plan, this is just my opinion, everybody else please chime in, my opinion is that we at least begin the Comprehensive Plan dialogue on expressing whatever the current opinion of these seven members is regarding those. Those seem to be the big picture outstanding issues. So, those are my thoughts. Any others?

Mr. Howard: I would agree. I would add some transportation link. I know the reasoning or the rationale why we would want to wait for the plan to be finalized and then sort of have the transportation come after that, but I think there has got to be some kind of transportation link to the whole plan. Maybe it is as simple as the map that Mr. Zuraf put up in terms of here's what exists today, here's what the desired service levels would be in the new plan servicing those areas, recognizing it could take a multitude of things to get there; everything from acquiring property to changing intersections. I just think the absence of it is what concern a lot of people, including myself... is it really a big plan for twenty years if we haven't thought through what some of the road requirements might be. So, I would throw that in there. And I know we just passed the Bond Referendum last year for that but we really can't spend the money right now as a County, so I don't see that as a kick start to it either. But I agree with the two pieces that fell into the land use mapping, which was the Urban Service Area and also the UDA, the Urban Development Area. That seemed to be the biggest big picture piece of the land use mapping. And then I will defer to Mr. Rhodes on this, but the use of the word "shall" and "may" seemed to also create some interesting dialogue. Because if it's truly a document that is guiding, we might want to, we may want to, or we should, right?

Mr. Rhodes: We shall.

Mr. Fields: Mr. Rhodes' legacy to Stafford County.

Mr. Howard: Exactly. That was the only other thing I thought was a bigger picture piece even though it seems small in the minute scheme of things.

Mr. Fields: No, that's a big picture item.

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Mr. Rhodes: If I might add... I don't know if we had an order... but out of the things, there were about four, I think you hit on the big items Pete. And then there were four, I'm not minimizing but I would in a way say secondary items that might be worth touching on. One was the FIM; there is great potential there but the first sentence has got to be "it's a tool, it's not a driver". And any fluctuation of some of the increments in the model can really change things but certainly incorporating it and making it a part of the informing process, not driving every decision, but informing process knowing the potential implications I think is useful. I think the way we can bring that back in is a positive. I... yes, wording bothered me on some of the guiding dynamics in there. I think we do set up a potential actually to really undermine our whole process and undermine some of our things. If we made it so shelled, there will be a requirement for an exception, and once we do an exception for something so absolute, I think we have opened ourselves up to more lawsuits and more opportunities. I just have a fundamental concern with that. The other two are... I know how we got there, but I do think we might look at some of the park land, Widewater, that piece, just to see how we might redress it a little. And then the fourth one was, I think it was just an objective or something else, but it was the ten acre Military Zone. It just kind of got thrown in there. It was a suggestion by Quantico and I think it might deserve a little more consideration about how we address it and treat that element in the context of the other things, TDR's, etcetera. So, those are my four subjects.

Mr. Fields: Those are good. Anybody else? Things that we want to make sure we have on the plate? I am thinking we probably ought to, since clustering we didn't do today, that will be the new thing. We should probably start with that, get that rolling to make sure we don't fall behind on that, get an update on whatever we have been able to do on the Reservoir Protection, and then essentially launch into the Comp Plan until we can get... I'm not saying that we can solve these problems. My desired outcome is that at the end of the day which, as far as we will know it will be the last meeting of the group of these seven people who served together for two years, I think it would be appropriate for us to have a final, if not probably not even a vote, but just a final sort of summing up of where we stand on the Comp Plan, what our thoughts are, what we would like to see the next incarnation of the Planning Commission and the Board of Supervisors consider. Which is what I think your point was, Mr. Howard. Mr. Di Peppe.

Mr. Di Peppe: I would like some discussion because often times within the Comprehensive Plan it's pointed to Purchase of Development Rights or Transfer of Development Rights is going to solve this, that or the other problem. And the realist is there is no money in Purchase of Development Rights; we couldn't purchase hardly anything with the money in there, and the mechanism for Transfer of Development of Rights is yet to save a single lot in the Commonwealth of Virginia. But yet over and over again people point to those and go "this is going to solve our problems" and it's just not true. I just don't want to give people the false impression that we are on the verge of developing something that is going to save green space in Stafford County. I mean, I would love to see it, but...

Mr. Fields: In the future, it would be good to get maybe, I mean our staff is certainly aware of this and capable of it, but I know that at several VACO/VML type presentations over the years as well as some planning things, it would be good to get an agreed upon I guess by all sort of parties out of not only the Planning Commission but the Board in this discourse in the County on some of the very controversial aspects of land use about can you, should you and how do you limit residential growth in the agricultural areas. There is some very good stuff on TDR's so you don't have to take it from me, but the problem with TDR's is that everybody will tell you, the people that are honest about it, experts about it, will tell you that TDR's were designed to be compensatory mechanisms for downzoning. That TDR's without downzonings do not make any sense; they don't work and they never have worked. And places that have downzoned to the rural area and then use TDR's as a compensatory

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mechanism to the landowner for the reduced economic potential of their property, they have been very successful, like Montgomery County, Maryland, which has been doing it for thirty years with a Transfer of Development Rights. But, I would like to make sure that if we have discussions about TDR's and PDR's, that we have sources... and again, it can be people from outside if we need to make sure we are hearing objective information... but that is an example of something that I want to make sure that we get on the table if we are going to talk about it. Not that I am advocating one way or the other, I am just saying that one reason TDR's don't work is that there is no reason to do it if (inaudible).

Mr. Mitchell: Mr. Chairman, I would like to, just for one person, one vote, I would like to take a look at the first meeting in December on the Economic Development side. A lot of what we looked at, not all, but a lot of what we looked at was concentrated center of Stafford and I never felt comfortable with that being our main crux. Our direct location to Quantico directly affects with the BRAC realignment. I think some more could be put in the north end rather than in the central part. Like I say, I am not trying to pin it down tonight but I'm saying it's something we can look at. And, as you know, there are some requirements to facilitate Quantico you have to be within so many... it's pretty tight. And those people that would locate in the center of Stafford would not even qualify. You might as well have them shipping goats to Afghanistan out of the airport. It has nothing to do with economic development. But also, and I am going to bring up a name here from the past, Pete and I both served under Alda White. And in the eight years that I served under Alda White, one thing that she always drove and she was very specific about, she always told me and she told the other Board members, the word "shall" is mandatory. That was her quote, "the word shall is mandatory". That hung with me for years and I have to reiterate Mike's point that "shall", once it came to an actual issue, but it says "shall". But I think, even though it's wording, even though it's a plan, even though it's a guide, when you see the word "shall", "shall" is mandatory. If you tell your child "you shall clean up your room tonight", that's going to be mandatory. You "may" clean it up, it may or may not be mandatory. Anyway, a bit of trivia and I will leave it at that.

Mr. Fields: No, no, that's good points; this is what we are here to do. Alright, any other thoughts? I'm sorry Jeff, can I interrupt you for a second? So, other than that, we don't have anything else... we don't have any public hearings or CUPs or any of those things? Preliminary Subdivision Plans?

Mr. Harvey: That's correct; there is nothing scheduled for the 2nd.

Mr. Fields: Okay. So, the 2nd should just be essentially a policy work session.

Mr. Harvey: Yes sir.

Mr. Fields: Good enough. And we have all agreed that we will stay here a little extra later to make sure that we've gone so that we can give everybody the 16th. You know, it probably isn't going to be that brutal. We will start at 5:30 and just start working and then take a break around 7:00 and eat something and then come back to work and then all go about our merry ways.

Mr. Zuraf: Mr. Chairman, to help out the Comp Plan discussion, if any of the Commissioners know of any specific bits of information or questions that you know you might be asking, to let us know ahead of time so we can be better prepared to get your questions answered. Thanks.

Mr. Fields: Okay, everybody be sure to do that.

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UNFINISHED BUSINESS:

9. RC2900007; Reclassification - Onville Retail Center - A proposed reclassification from R-1, Suburban Residential Zoning District to B-2, Urban Commercial Zoning District to allow, with proffered conditions, future retail development on Assessor's Parcels 20-84 and 20-85 consisting of 2.05 acres, located on the west side of Onville Road approximately 300 feet north of Garrisonville Road within the Griffis-Widewater Election District. The applicant has proffered conditions pertaining to land use, signage, site development, transportation, and the demolition of existing buildings on the site. The Comprehensive Plan recommends the property for Urban Commercial and Urban Residential land uses. The Urban Commercial land use designation would allow development of commercial, retail and office uses. The Urban Residential land use designation would allow development of a variety of residential housing types at a density of up to fifteen (15) dwelling units per acre. See Section 28-35 of the Zoning Ordinance for a full listing of permitted uses in the B-2 Zoning District. **(Time Limit: January 19, 2010) (History - Deferred at September 16, 2009 Regular Meeting to October 21, 2009 Work Session) (Deferred at October 21, 2009 Work Session to November 4, 2009 Work Session) (November 4, 2009 Meeting Cancelled; Rescheduled for November 18, 2009)**

Discussed during work session.

NEW BUSINESS

None

PLANNING DIRECTOR'S REPORT

COUNTY ATTORNEY'S REPORT

SECRETARY'S REPORT

COMMITTEE REPORTS

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

September 16, 2009

Mr. Fields: We actually have some minutes to approve, don't we still?

Mr. Mitchell: Motion for approval.

Mr. Fields: Move for approval of minutes, September 16th, by Mr. Mitchell.

Mr. Di Peppe: Second.

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

Mrs. Carlone: Aye.

Mr. Rhodes: Aye.

Mr. Di Peppe: Aye.

Mr. Mitchell: Aye.

Mr. Howard: Aye.

Mr. Fields: Aye. Opposed? Alright. I believe we have gone through everything.

Mr. Di Peppe: I have one issue. We did meet about trying to solve the trash problem, remember, with horizontal apartments. And the staff did an analysis and said the state hasn't given us the right to regulate that. So, we would have to recommend the Board, and I'm not for dropping this, I'm just saying the next step is to have some type of discussion on this level to ask the Board to ask the House of Delegates to give the County the power to regulate. But, at this point, we don't have it; which is very unfortunate.

Mr. Fields: Yeah, it is.

Mr. Di Peppe: But I don't want to drop that issue.

Mr. Fields: Okay, thank you. Alrighty, if there is nothing else, then we will adjourn. We will see you on December 2nd.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 9:15 p.m.

Gordon Howard, Chairman
Planning Commission