

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
March 5, 2008

The work session of the Stafford County Planning Commission of Wednesday, March 5, 2008, was called to order at 5:32 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent:

Staff Present: Harvey, Judy, Stepowany, Zuraf, Hess and Hamock

Declarations of Disqualification

None

UNIFINISHED BUSINESS:

1. SUB2700649; Poplar Hills Section 5, Preliminary Subdivision Plan - A revalidation of an approved preliminary subdivision plan (220331) for 39 single family residential lots on well and septic, zoned A-1 and A-2 consisting of 182.99 acres, located on the north side of Brooke Road approximately 100 feet west of Marlborough Point Road on Assessor's Parcel 40-57 within the Aquia Election District. **(Time Limit: April 14, 2008) (Deferred to March 5, 2008 Work Session) (Withdrawn by applicant)**

Mr. Harvey stated that the applicant had withdrawn the preliminary subdivision plan. He stated that within the last several weeks there had been a number of people identify the need to look at their preliminary plans because they were either expiring or had expired. The Planning Department and the County Attorney's office met with a number of people and they looked at their Code, as well as the State Statute and found that their local subdivision ordinance was incomplete and it does not have all the specifications in the State Statute that exist today. He stated that their current Code specifies that a preliminary subdivision plan was valid for a period of five years, where the State Code has another Code Section that states in addition to that, if you record a section of a subdivision, you have five years from the time that that final plat was recorded to complete the rest of your subdivision. In the case of Poplar Hills, the applicant had their preliminary plan in two sections, they recorded one section in 2004 so based on the State Code they would have until 2009 to record that second section.

Mr. Judy clarified that the additional Code Section that Mr. Harvey referenced stated that if the Planning Commission approved the preliminary plan with sections, the developer, once he records the first section, has an additional five years from the date of the recording to record the additional sections. It only applies in subdivisions where the preliminary plan was approved to be developed in sections. He stated that they may find that there are a number of subdivisions who think they are sectioned subdivisions that were not approved that way so there may be some balancing out.

Mr. Harvey stated that staff realized that their current subdivision ordinance was not fully complete. He had been advised, though it had not been verified, that the Governor would be signing a new Statute that would be vesting even further to specify that once you record a subdivision plat you have five years additional onto your preliminary plan extensions, so technically if you had a

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subdivision with five sections you could subdivide it over a twenty-five (25) year period. He stated that once the new Statute was adopted and staff has determined what it says they will come back to the Commission with a proposed ordinance to bring them into compliance with the State Code.

Mr. Fields asked if they were going to wait for the new section and put it all into one process.

Mr. Judy stated that once they see that the language was valid and it has been adopted, they will incorporate it.

Mr. Fields asked if that was a piece of legislation that just passed this session of the General Assembly.

Mr. Judy stated that according to the sources that are feeding them the information, yes.

Ms. Kirkman stated that the language seemed to indicate that they had five years from the recordation of the first section to record the subsequent sections, and it also seemed to indicate that when they recorded the subsequent sections they had to be in compliance with the ordinance that was current at the time of the second recordation and asked Mr. Judy if he had a chance to look at that.

Mr. Judy stated he wanted to take some time to review it.

Ms. Kirkman stated that if they do have to comply with the ordinances that are current at the time of the subsequent recordations that would make a big difference.

Mr. Judy asked if she was referring to 22-41, paragraph 5, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section was recorded.

Ms. Kirkman stated yes. She then stated to Mr. Harvey that she had asked specifically about the Storm Water Management Plan and, that given the history of problems with the build-out of that subdivision, if the most recent Storm Water Management Plan incorporated a pre-existing waiver and she was told by staff that it did not. It was very clear from the Storm Water Management Plan and from the notes on the plan that there was nothing done to update the Storm Water Management Plan other than add some Low Impact Development (LID) facilities along the roadside and that it still incorporated the waiver that was issued in 2002 based on an old piece of Storm Water Management Code. She requested that staff, in reviewing the construction plan, make sure that that section was in compliance. She stated that she asked about whether or not the Authorized Onsite Soil Evaluation (AOSE) for that project had ever had any troubles or issues and staff continually reassured her, and the Department of Health sent a letter stating, that yes, that AOSE was currently certified. The problem was not that the AOSE was currently certified, the problem was that the AOSE had their certification suspended in 2004 for a period of two years for substandard work. Staff was clearly aware of this because in the construction plan there was a note from the Department of Health that says no comments except that the developer had been advised concerning Phil Helms' suspension and the benefits of hiring an AOSE in good standing. She state that just in case anybody had any doubts about the severity of the problems, when his certification was

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suspended it was because of work that was done. She stated that she would not read the entire fifteen (15) page single-spaced letter from the Department of Health but instead just a few choice excerpts. It states that Mr. Helm had submitted inaccurate certification statements for more than fifteen (15) properties or developments, these alleged failures to comply with regulations include actions taken and omitted since September 2001 in relation to onsite soil evaluations performed by Mr. Helm on lands in Fauquier, King George, Louisa, Spotsylvania and Stafford Counties. It goes on to say the evidence amply demonstrates that Mr. Helm frequently provided meager and inadequate documentation, disregarded sound soil analysis, casually engaged unsanitary surveying and perfunctorily designed onsite disposal systems. She stated his tolerance for inaccuracy and errors in his work, the ease with which it may be characterized as slipshod and the clear potential of his work to promote demonstrable and preventable risks to public health necessarily call into question his fitness to perform the activities of an AOSE. The consequences of Mr. Helm's work posed a direct, demonstrable and significant threat to groundwater safety and to public health. Substantial evidence supports the conclusion that Mr. Helm's actions taken in toto in certifying numerous slots for sewage disposal systems were performed in clear violation of Virginia law and regulations to the potential detriment of public health. She stated that these are very serious violations and the soil work that was done that was submitted for this preliminary plan was done in the period prior to his certification being suspended. When you look at the soil work and match it up with the types of violations that are documented you will see that there was a clear pattern of the same type of work being done. She consulted with the Department of Public Health, the County does have the ability to request that the County come out and do what was called a Field Level II Review of the soil work where they document that the soil work was adequate. She would really encourage staff to obtain that Level II Review since this work was all done prior to and when it was quite clear that these problems were in all of his work. She stated the main reason she raised these things was that staff was asked specifically about those two aspects of the work and the plan and there was public information available that made it clear that there was a Storm Water Management waiver that was still in the existing Storm Water Management Plan, that it was the same Storm Water Management Plan from 2002, and that the AOSE did have problems with his work.

Mr. Fields asked what the extent of the ability to follow up on some of these issues. He stated that both of those issues which Ms. Kirkman raised were a little troublesome. He then asked in the review of the plan as it sits will they have the ability to be somewhat proactive on seeing that some of those issues are addressed.

Mr. Harvey stated that since his discussion with Ms. Kirkman, he spoke with the Storm Water manager and asked that he take a look at the issue of the waiver and also that he and the plans reviewer physically go out to the site and look at it and look at how Storm Water Management and erosion issues have been dealt with or experienced out in the field. From some of the photographs a lot of the concern was erosion issues, as well as runoff issues, but a lot of it was erosion issues and there may be some properties in the soil that make it more erosive than standard practice dictates, that there might need to be some other measures that are required out in the field. He stated that the County relies on the Health Department to verify that the soils work was adequate. He stated that he would proceed with the Health Department and ask them about the Level II investigation of the field work since there are questions about the accuracy of the reports.

Mr. Fields stated that negligent work has allowed some subdivisions to be approved for X number of lots which as they have seen are, under the current rules, vested for their right to exist and will

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continue to be vested. He mentioned the insensitivity and difficulty in the Poplar Hills area. He asked that on the issue of the county's authority in terms of approving onsite systems, does the county have the ability to go beyond the Health Department and add its own layer of standards to these systems.

Mr. Harvey stated that the Board of Supervisors was considering a number of Code amendments which would be more restrictive than the standards that the Health Department currently has now.

Mr. Judy suggested that they clarify the changes that the Board may be looking at that do not address the issues of soils analysis that was done by an AOSE. He stated that was completely controlled by the Virginia Department of Health, in fact, sewage disposal was their bailiwick. He stated that they should be focusing their attention on the fact that they had been forced into a system whereby the State Health Department has pretty much usurped the authority that they are suppose to have to protect the safety of the citizens and given it to these persons who become certified and, through clear actions, have failed to comply with the requirements that they are suppose to work under but yet somehow managed to get reinstated.

Ms. Kirkman clarified that although the county relies on the Department of Health for the soil work, if the work was done by a private AOSE, the sole role that the Department of Health has, and you will see this in the language of the letters that they send back to the county, was to say the work has been done and it has been done by a currently certified AOSE. She stated for the most part, they do not do any desk review. She stated that she took the health regulations and looked at each of the soil sheets and she identified numerous problems and they do not even do that level of desk review on what the AOSE has done and they very rarely do field reviews of the work. She stated she also learned our own local Health Department there was a mandate or suggestion that there be a ten (10) percent review of an AOSE's work and even that minimal level of review did not get done for a period of time here in Stafford County. She asked if the County Attorney could look to see if there was something that can be done around the subdivision ordinance to regulate the county's ability to accept or not accept the results as part of their review. She stated specifically, on this plan, was there any position that the county can take, given that this work was done in the same period that the other work was done and prior to his suspension.

Mr. Judy stated yes he will look into that.

ORDINANCE COMMITTEE

James Stepowany stated that there was only one item which was the continuation of the buildable area ordinance that was requested by Ms. Kirkman. He stated this ordinance has expanded into various sections and at the last meeting staff presented different options which talked about ten thousand (10,000) square feet, fifty (50) percent of the lot, twenty-five (25) percent of the lot, and to start from the beginning as to how they got Section 28-24 Measurements involved in this, when they got into how do you define the shape of a lot a question was what was the side lot line. He then gave a lengthy description of the effected Code sections and what those effects would be.

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Mr. Fields asked in the section regarding elongation should there be an inclusion of what would be unusable for normal purposes and specify that no weird elongation be created to get a drainfield site on a piece of property.

Mr. Stepowany stated that was similar to what he had in the memo, but we had it as staff requests the ordinance committee consider clarifying that if the formation of the area was a result of the location of the drainfield then was that a normal purpose of the area. He stated it was because of the purpose of the drainfield that they come up with these peculiar shaped lots. He stated you cannot call that an unusable normal purpose of the property because it was a drainfield, it has a purpose for it and that has been staffs' concern.

Mr. Judy stated that he was troubled by the phrase unusable area because anybody could design a lot and say well of course we are going to use it for something. He suggested taking that phrase out and, looking at what a couple other localities had done, he had incorporated language that stated lots shall not contain peculiarly shaped, elongated or numerous side lot lines which, as determined by the agent, are primarily incorporated on the lot for purposes of establishing minimum lot area, buildable area or to incorporate a non-contiguous site for a primary and/or reserved drainfield.

Mr. Fields stated that the creation of weird lots for drainfield purposes would be one of the main issues to be raised.

Ms. Kirkman stated that she liked the language with one exception of "as determined by the agent". She stated she would like to see that remain a function of the Planning Commission review and, as the County Attorney informed them at the last meeting, if it states anywhere in an ordinance "as determined by the agent", if the Planning Commission disagrees with the agent's decision then they have no ability to override it. She stated she would like to accept Mr. Judy's language with the deletion of that phrase.

Mrs. Carlone stated that the only thing was just to get rid of those intrusions into other peoples' property for the sake of getting a drainfield and if this covers it, she said to go for it.

Mr. Rhodes stated that he would be curious to know if there would be a downside to taking out that portion of the phrase. He asked if there was an unintended consequence.

Mr. Judy stated that he was not sure if there was a necessarily unintended consequence. He thought the reason that it was found in the language in other jurisdictions was that when the Planning Department was going through the application they are the first ones who get to look at what was there and certainly would be the ones to identify these irregular lots and could advise the developer even before it gets to the Planning Commission that this will not fly because Mr. Harvey and his sound judgment has determined that they are irregular lots intended for the specific purposes enumerated there which would send the developer back to the drawing board.

Mr. Rhodes asked that if that language were to stay in there about the judgment of the agent, does it indeed preclude the Planning Commission from overruling.

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Mr. Harvey stated that the appeal process was to the Board of Supervisors, if someone was to appeal the decision of the agent, then the Commission would have to appeal to the Board of Supervisors to overturn the agent's decision.

Ms. Kirkman stated that keeping that language in would allow the agent to say to the applicant this does not meet requirements and would need to redo it, but asked was that not what the entire review process was about, that all of the staff review the plan and identify areas of the plan that are not in compliance.

Mr. Judy stated that was correct and that he was not trying to insinuate that he thought the line had to stay, he was just trying to suggest why he found it in other jurisdictions, why they would seem to feel the necessity to put it in there. He stated that he would certainly like the opportunity to look at that a little more. He stated that he does not see leaving it in or taking it out has any great impact one way or the other and that he would certainly look into it. He stated as to Mr. Rhodes' question, he stated that even if Mr. Harvey were to be the one to look at it and say this was or was not an irregular lot, Mr. Harvey does not necessarily stop the Planning Commission from voting one way or the other.

Mr. Stepowany asked if the agent states it was an irregular lot and was not in compliance with this section of the Subdivision Ordinance would that give him two options, they could either go to the Board of Supervisors to appeal the agent's decision or could they come to the Planning Commission and request a waiver from this section.

Mr. Judy stated that either one of those would be feasible.

Mr. Di Peppe stated that he shares Ms. Kirkman's concerns because sometimes decisions are made in rooms that are regretted long afterwards by agents, and maybe there was a compromise here where if you allow the agent to make it then perhaps the Planning Commission could have the final word. He asked if there was any way that could be put into the document.

Mr. Judy stated no.

Mr. Di Peppe stated he would rather leave it in the hands of the Planning Commission than leave it in the agent's hands.

Mr. Stepowany asked if the direction would be to strike that wording out.

Ms. Kirkman stated she thought they were talking about was eliminating under 22-143 (c) the section entitled Elongation, deleting what is in there now and putting in Mr. Judy's language with the exception of the "as determined by the agent". She stated that if that was done, then also on section 22-146, we could also eliminate that first sentence.

Mr. Stepowany stated it would be revised to go from street lot line to front lot line.

Mr. Di Peppe asked if more time was needed to reword this or could this be worked out.

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Mr. Stepowany stated in his opinion the addition with “or to incorporate a non-contiguous site for a primary and/or reserved drainfield”, if it goes off to the side but you still have a fifty (50) foot wide stretch of property that you own between your house and the drainfield, it was contiguous. Non-contiguous would mean there would be a break in the property.

Mr. Judy stated that he used the same wording that was used in Section 22-143(a).

Mr. Stepowany asked if they needed more direction.

Mr. Di Peppe stated that he understood the confusion of the term contiguous and non-contiguous and, as Mr. Stepowany said, if it was attached then it was contiguous.

Mr. Judy stated that he understood his point but did not have the exact definition of the word contiguous in front of him, so he could not comment. He stated he was using that word because it was previously used to indicate contiguous, meaning all together, and he thought the purpose behind that was that the building area would be a symmetrical solid area and that was what they were trying to generate.

Ms. Kirkman stated that the language was incorporated in a number of different localities’ ordinances and that was where it came from. She then made a motion that this be sent to public hearing as written with the following changes: in Section 22-143(c) we strike the current language and substitute the language that Mr. Judy provided with the exception of the words “as determined by the agent”, and in Section 22-146 we strike that entire first sentence that was in the draft in front of them. Mr. Rhodes seconded. The motion passed 7-0 and was sent to the regular meeting.

COMPREHENSIVE PLAN COMMITTEE

Mike Zuraf stated that the Planning Commission had requested some specific information on Levels of Service (LOS), with more of the background and how it applies to comprehensive planning. He provided two (2) handouts, the first entitled Levels of Service Standards in Comprehensive Planning which was put together by Planning staff and the second entitled Proffers Converted to Levels of LOS or Levels of Service which was developed by the Fiscal Impact Model Subcommittee of the Steering Committee. He discussed the basic definition of Levels of Service Standards, the purpose and benefits, how Levels of Service are applied in Stafford County today, how you would apply Levels of Service to a Comprehensive Plan, showed examples from other localities on how they utilize Levels of Service Standards, and then a suggested approach for Stafford to move forward. He stated the simple definition for Levels of Service Standards was there are benchmarks with which to measure the quantity and/or quality of service provided by a government agency. He stated types of services that you would have are dealing with schools, transportation, roads, parks, emergency services be it Sheriff or Fire and Rescue, libraries, and waste management, to name a few. He stated LOS Standards can be in two different types, they can be related to capital capacity or recommended size of buildings or size of sites, or they can be based on operational effectiveness such as response times for Fire and Rescue. He discussed the purpose and benefits, if you establish those standards, would serve as a beneficial tool to provide adequate public facilities that would be consistent with citizen needs. He stated utilizing LOS Standards and having adequate public facilities would promote economic development for our county, along with fostering civic pride and a positive

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impression of the community. He stated that Stafford County does have certain LOS Standards, however, they are not fully addressed in the Comprehensive Plan in a collective manner. He stated some of the Standards are found in the various documents that the county has. He stated that LOS Standards can be based on facility size, carrying capacity, service provisions or facility siting. He stated typically, Stafford County's LOS goals are mainly based on facility size such as building size and land area. He stated it does not get into where certain facilities should be such as limiting a facility to within the urban service area. He discussed one source of the most comprehensive location for the LOS goals was in the proffer guideline document. He stated here, the LOS goals are utilized to determine per unit cost to provide adequate public facilities for certain types of facilities. He went on to explain, for example, the library LOS Standards and its recommendations. He stated this can be used to compare how the county was doing against these standards and do an evaluation by looking at existing actual data and measuring them against the recommended standards. He again discussed the library LOS Standards stating he had information out of the second document which was developed by the Steering Committee which did an analysis on the library situation in the county. He stated what was determined was that currently there was a need for library space of seventy-three thousand (73,000) square feet and that was based on an estimated population of one hundred twenty-two thousand (122,000) and multiplied by the recommended .6 square foot ratio. He stated looking at existing facilities there are two libraries, the Porter Library in North Stafford and the main central library in the City of Fredericksburg, assuming that it serves the residents in South Stafford. He stated so that assumes there are two libraries in the county and they have an existing square footage of fifty-four thousand (54,000) square feet which means there was a current deficit of eighteen thousand (18,000) square feet as far as libraries go which would equal one library. He stated that there was a third library in England Run which was planned to be opened in 2010 which then the county will be meeting the LOS Standards for libraries.

Ms. Kirkman asked if he meant the main library in Fredericksburg where you have to go over the Falmouth bridge.

Mr. Zuraf stated yes.

Mr. Fields stated that forty (40) percent of the usage of the Porter Branch was Stafford and the system was a regional system.

Mr. Zuraf discussed what had been done in the draft Comprehensive Plan. He stated that the Steering Committee did an analysis of the current situation and how it related to some of the LOS Standards in place in the current proffer guidelines. He stated they utilized the current proffer guidelines, assuming those were the desired current service levels, and evaluated that against the current situation to determine whether there was a current surplus or deficit in the different types of public facilities and then projected out what future facility needs may be and also what their estimated costs may be. He stated that was determined by a land need by determining how much land would be needed on a county-wide basis. He stated the analysis presented assumed a full build-out of the county under by-right zoning and what would be envisioned was an additional analysis that would be done based on a future land use plan. He stated a future land use plan likely would recommend future densities that differ from the basic by-right zoning build-out and likely would be greater. He stated the document does not go into revising the established LOS or the next level of establishing any new location or service standards. He discussed how you might apply LOS to the

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Comprehensive Plan, stating you would first want to inventory what existing facilities you have, and then define the LOS Standards and determine what criteria you would want to use which would require a lot of work with different departments and agencies. He stated you would want to determine what projects would be needed where you would apply those LOS Standards to future build-out in your land use plan and you would need to prioritize projects and you can go about this through phasing of facilities based on future development. He stated then applying the list of needed projects to other documents to assist in funding which are the proffer guidelines, impact fees and Capital Improvements Program (CIP). He stated this would help to ensure that future development helps cover the costs of the facilities' needs. He discussed some examples of other localities that utilize LOS are Spotsylvania County, which has a specific document entitled Levels of Service Standards for Public Facilities and was adopted in late 2006. He stated this gets into a specific listing of all service levels and policies that would help to achieve those levels. He stated the basis of that plan was a recommendation in the 2002 Spotsylvania Comprehensive Plan to develop LOS Standards where none existed, along with the authorization in the State Code that allows localities to develop LOS Standards. He stated there were a lot of different people and departments involved in that plan and it was noted that department ownership was very important in developing LOS Standards as planning may oversee development of this but they may not know the specific needs of each department and agency. He stated the facilities that are covered in the Spotsylvania County plan include Transportation, both roads and transit, Utilities, schools, the Sheriff, Fire and Rescue, solid waste, stormwater quality and quantity, Parks and Recreation, Libraries, and Administration. He stated the next locality was Chesterfield County and they have LOS specifically written into a Public Facilities Plan, which included specific type, location and number of future facilities that are determined based on the LOS that are utilized as the key to determine those facilities. He stated the types of facilities that they cover are Sheriff, Fire and Rescue, Libraries, Parks, schools, Transportation, Utilities, and Telecommunications. He stated the way their document was laid out, within each of those different sections they have a vision or mission of what they hope to achieve for each facility, they spell out their specific LOS, there was some specific site selection criteria, and they have facility recommendations. He stated they also get into timing and they map out where those facilities are recommended and this plan recommends review every five (5) years and was specific to say that these recommendations are general in nature as they move forward. He provided an example of one of the maps from Chesterfield County from the Public Facility document showing existing and proposed facilities based on the intention of meeting LOS Standards.

Mr. Fields asked if Chesterfield had been able to meet the location criteria because of trying to purchase public land, particularly in high growth, high demand counties.

Mr. Judy stated in Spotsylvania, the Plan was suppose to be here is where we might like to see it, that this would be a good location, not necessarily the specific location, but a general location of where we would like to see a school or a library or a water tower or that particular public facility.

Ms. Kirkman stated she had questions related to what the implications were, for instance, on specific rezoning applications, would it give them the ability to either negotiate specific proffers related to the levels of services in the area or to deny rezoning based on the lack of adequate levels of services. She then asked related to Chapter 896, do those level of services then become important and establish those ahead of time, should we move to model where we have the ability do impact fees outside the urbanized service area.

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Mr. Fields stated that impact fees are similar to proffers but it was his understanding that, assuming they still have the authority to have impact fees after next year, the rational nexus standard states that the impact fee has to be very directly related to the impact of the property. He asked if they were charging an impact fee on a residential development in the agricultural area would they have to be a little more focused on their current proffer guidelines or would they be about in the same ballpark.

Mr. Harvey stated that it depends on how you break up the county as far as service areas. He stated with the road impact fees there are different fee rates based on service areas, so for other types of facilities such as schools they may break school districts down by high school attendance zones and if they did that they may find they have more capacity in one part of the county as compared to another, and the capital cost may be higher in one part of the county versus another so there would be some variation throughout the county unless you had a uniformed county-wide service district. The State legislature does not like the idea of a uniformed county-wide service district, they prefer to see it more site specific and more detailed.

Mr. Zuraf stated to end his brief presentation, if the Planning Commission wanted to move forward with the idea of more detailed levels of service then staff would recommend development of an element that would get at levels of service in public facilities as a separate element of the Comprehensive Plan. He stated this would expand on the work conducted by the Steering Committee and the draft Comprehensive Plan. He stated staff would note that the time and effort to develop this plan may extend beyond the timeframe for the draft Comp Plan as they have it now, but it may be appropriate as a subsequent element of the overall plan.

Ms. Kirkman asked why it would have to wait until after the Comprehensive Plan and, in fact, it seems like it would be a very important part of the Comprehensive Plan because part of what it does was designate where public facilities are to be located ideally.

Mr. Di Peppe stated that they are coming up on almost two years of working the Comprehensive Plan and no part of the plan was more important than Level of Services. He stated it was the main way so that your Comprehensive Plan does not have just a shelf value even though it is designed to be generalizations about where we would like to go and how we would like to go there, make sure you can do them or see what it costs to do them and whether they are realistic or not and then you can go back and measure whether your Comprehensive Plan was any good or not. He stated that he would insist that LOS be part of this document.

Mr. Harvey stated there are two types of LOS that could be pursued, one was for capital facilities, which the Comprehensive Plan typically deals with those types of issues and also State Codes that we have to address as issues. He stated there was also the operational side of LOS, which sometimes feeds into the capital needs and sometimes not, depending on which approach you take. He stated that for the Comprehensive Plan, they need to discuss, at least at the capital facility LOS Standards, the operational side was going to get into a broader policy issue that maybe can be addressed in a time frame that has been given for the Comprehensive Plan. He stated the County Administrator recommended that as part of their work plan that they have the Comprehensive Plan done by the end of the year and, more specifically, the Planning Commission have their part done by July.

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Mr. Zuraf stated that they would have to re-evaluate the time frame that was presented in anticipation of having it completed by July.

Mr. Fields asked if completion by July was a possibility.

Ms. Kirkman stated that it looked like a lot of the work had already been completed.

Mr. Harvey discussed the amount of data they have, comparing the current proffer guidelines and the existing LOS, that additional policy may get more involved and take more time, and that the more difficult guidelines deal with LOS Standards for Public Safety. He stated that those type of issues may need to be delayed for further discussion.

Mr. Fields stated that in all the discussions of LOS and impact fees that Public Safety was one of the most complicated. He stated there was a fairly large disconnect between the recommendation and what they could afford in terms of personnel.

Mr. Harvey stated, as an example, that Fairfax County has a LOS policy for Fire and Rescue that they should have a maximum seven minute response time and to get to that seven minute response time there may be several ways of doing it which could mean building a new fire station or fix certain road intersections or have pre-emptive devices that signalize intersections. He stated that was more of an operational standard than a capital facility standard.

Ms. Kirkman stated that her understanding of the Comprehensive Plan was that it was a guidance document which guides land use, capital improvements and the policies enacted through legislation, i.e., ordinances, etc. She stated that there would be a lot more work to be done after the Board adopts a Comprehensive Plan because legislation and drafts of legislation would be needed to enact the policies in the Comprehensive Plan. She asked about feasibility and stated she was trying to figure out what the limits of their responsibility were. She stated that it does seem like making recommendations about the standards would fit within their purview but she failed to see why it would be up to them to make recommendations about the number of personnel needed to implement those policies.

Mr. Judy stated that the key was whose responsibility it was and that it was not the Planning Commission's job to make those standards. He stated that would be up to the safety offices, the Fire Marshall and the Sheriff, to bring those standards to us and for us to determine how we get them as part of the Comprehensive Plan. He stated the Planning Commission was not the one to adopt those standards, those are normal standards that all areas use. He stated that it is important that the Fire Marshall and his folks make the input so they know what they need to be working with as opposed to them trying to figure that out.

Ms. Kirkman stated she was not suggesting they would not do that.

Mr. Fields stated he did not want to start implying that somebody gets a quicker response time. He stated that it did point out that one of the issues that LOS would help guide in the Comprehensive Plan was how complex and generally not good planning practice it was to have lots of low density

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far flung houses. He then asked the Planning Commission how they felt about this LOS at least at the first level as being necessary to finishing up the Comp Plan that they present to the Board.

Mr. Howard stated that it must be part of the Comprehensive Plan and was something that was missing in Stafford for several years. He asked if they should request an additional thirty days to do a better job in terms of making sure the LOS Standards exist within the Comprehensive Plan. He stated that crossing the bridge to get to the library was kind of silly.

Mr. Fields stated that it was easier to cross the bridge to get to the library in Fredericksburg than it was to get to the Porter library or to get to the Plantation Drive library.

Mr. Harvey stated that staff believes it was doable to approach LOS from the policy standpoint in the Comprehensive Plan at this point in time but the drilling down to specific siting recommendations for different types of facilities may be beyond their scope and where they may need to have their public facilities plan element.

Mr. Fields stated even though there was a requirement to review the Comprehensive Plan every five years, the Comprehensive Plan was a living document. He stated they need to make a presentation to the Board of Supervisors with a timeline that includes our firm belief that a significant LOS Standard was included in the plan that was presented to them. He stated they need to know what their tiered options in terms of LOS are under timelines and that they will have the Standards to a large degree addressed in the first draft that was presented to the Board.

Mr. Howard mentioned that they could avoid the tower and concerns once again if, within this Comprehensive Plan, they clearly point out to all the residents in Stafford where the easements currently exist and what the plan was originally for.

Mr. Zuraf stated that they were planning on making that change.

Mr. Howard stated that he hoped that would be part of the LOS Standards.

Mr. Fields stated that just because we do not control electricity or gas lines, they are a part of our LOS that "X" number amount of build-out would require and we need to know how that was going to be addressed.

Mr. Mitchell stated that he thought it was a very good point but he was hearing that they would have a massive amount of input in a very short period of time. He stated he was not sure they could put all of what some of the Commission members want to present into the Comprehensive Plan to present to the Board of Supervisors as he does not think there was enough time. He stated this has been a two year journey and he did not think the Board of Supervisors was going to allow it to be a three year journey.

Ms. Kirkman stated that they do have a Comprehensive Plan Committee and, in order to meet the public notice requirements and to get this process started, she strongly urged the Chair of that committee to schedule the meeting and subsequent meetings.

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Mr. Di Peppe asked to bring this back up in the regular session.

Ms. Kirkman stated that they would need to come up with a standing meeting time.

Mr. Di Peppe stated that would be fine with him and he would be happy to entertain any suggestions.

Mr. Fields stated that Mr. Mitchell's points were well taken and requested Mr. Harvey to give a two or three tier menu of LOS detail and timeframe.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 6:59 p.m.

Peter Fields, Chairman

STAFFORD COUNTY PLANNING COMMISSION MINUTES
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The regular meeting of the Stafford County Planning Commission of Wednesday, March 5, 2008, was called to order at 7:31 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the Stafford County Administration Center.

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

MEMBERS ABSENT:

STAFF PRESENT: Harvey, Judy, Hamock, Knighting, Stinnette, Zuraf, Hess, Hornung, Schulte and Stepowany

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

Patricia Kurpiel thanked the Commission for considering the Levels of Service and agreed in stating it would be one of the most important elements of the Comprehensive Plan. She stated the proffer guidelines referenced one student per house and the information the Comprehensive Plan Steering Committee received was 0.67 students per house and recently had seen that number as low as 0.3 students per house. She stated the Commission needs to give thought to the direction given to the schools in terms of data received from the schools. She stated the Steering Committee asked for a number that would be good for 20 years and Level of Service (LOS) would be a critical piece of the Comprehensive Plan.

Dana Brown stated she wanted to discuss the Secondary Six Year Road Plan (SSYP), specifically the Garrisonville/Joshua Road project. She stated this project had been on the SSYP for several years and the total project cost would be approximately \$8.4 million and final \$3.3 million allocated in Fiscal Year 2009. She stated if the Commission recommends the project at this time the residents would ask that Virginia Department of Transportation (VDOT) review the current preliminary engineering plan. She stated the plan was outdated and did not take into account the new developments and improvements constructed along that area since conceived. She stated it would be ½ mile widening project that would greatly impact two (2) of the three (3) subdivisions along that route. She stated the neighborhoods would have their left turn lane access removed and would cut off the main entrances of the subdivisions which would reroute residents to get home. She showed a map of the current area and showed the proposed development with the median strip starting at Tech Parkway to Joshua Road. She stated it would be a severe inconvenience to the residences of these subdivisions.

PUBLIC HEARINGS:

1. Index of Official Road Names – Whether to amend the Street Addressing Ordinance as follows:

<u>Location</u>	<u>Current Road Name</u>	<u>New Road Name</u>
From Dogwood Air Park 2100 feet north to intersection of Enon Road	Jefferson Davis Hwy	Cambridge Street
From the intersection of Layhill	Layhill Road	Primmer House Road

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Road and Cambridge Street, 850 feet east of the intersection of Layhill Road and Forbes Street

From the intersection of Forbes Street and Layhill Road, 1,700 feet south, to the intersection of Forbes Street and Morton Road

From the intersection of Forbes Street and Morton Road, 1,600 feet east, to the intersection of Morton Road and Primmer House Road.

From the intersection of Forbes Street and Layhill Road, 3000 feet north to the terminus of Forbes Street

Forbes Street

Morton Road

Forbes Street

Primmer House Road

Primmer House Road

Forbes Court

Mike Zuraf presented the Staff Report. He stated this request was initiated by the Board of Supervisors at the February 5, 2008 meeting. He showed a map of the affected areas and a map of the proposed changes. He stated the new bridge over the CSX rail line creates a continuous road and along that stretch of road there would be four (4) different road names. He stated staff recommended naming the northern portion of Forbes Street to impact fewer properties and the southern portion goes down into Falmouth and connects with Cambridge Street. He stated the other portion of the request would be to rename a portion of Jefferson Davis Highway to Cambridge Street which would extend from Dogwood Air Park to Enon Road. He noted there were two (2) separate ordinances for Primmer House Road and Forbes and the second referring to Cambridge Street. He stated staff recommended approval of this Street Addressing Ordinance.

Mr. Howard asked how many residences would be affected by the change.

Mr. Zuraf stated he did not have the specific information.

Mr. Howard asked if the origin of the change was due to public safety.

Mr. Zuraf stated yes. He stated the construction of Leeland Station and the CSX Bridge resulted in there being a continuous road from Route 1 to Leeland Road.

Mrs. Carlone stated this came before the Planning Commission in the past and it would be a good idea.

Mr. Rhodes asked if this was a different proposal then what came before the Commission.

Mr. Zuraf stated the last proposal was to change the name to Layhill Road and the current request was to change the name to Primmer House Road.

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Mr. Fields confirmed that the first proposal was the same road segments and asked why the name changed from the first request of Layhill Road to Primmer House Road.

Mr. Harvey stated previously the Commission did not support the proposed street name and in discussion with Mr. Schwartz he stated if he had to choose between Layhill Road and Primmer House Road he would choose Primmer House Road which has historic meaning for the area.

Mr. Fields opened the public hearing.

John McQuiddy, McQue Inc., stated he owns a business on Forbes Street and urged the Commission to keep the road name the same. He stated he has 50 employees and had been at that location for over 20 years. He stated the impact costs would be roughly \$100,000 to change the address on materials alone. He stated the company received over 1,000 pieces of mail a week and there would be a significant impact on the company. He stated he was in opposition of the name change.

With no one else coming forward, Mr. Fields closed the public hearing.

Mr. Di Peppe stated he had lived in the county for a long time and drove these roads often. He stated there would be an unnecessary burden on the residents who live along these roads as well as the business owners that would have a significant cost. He stated this would be inconvenient to the residents and, in his opinion, would be a bad idea. He stated the same turns would still be there whether the road name was changed or not. He made a recommendation for denial of Amendment to rename these streets. Mr. Howard seconded.

Mr. Rhodes asked if the flow of traffic on Morton Road going east from Forbes Street joining Primmer House would stop or be a continuous through movement.

Mr. Zuraf stated it would be a continuous through movement without a stop sign for Morton Road into Primmer House Road.

Mr. Di Peppe stated he did not think anyone would be impacted on Layhill Road.

Mr. Zuraf stated no.

The motion for denial passed 7-0.

Ms. Kirkman requested a clarification from Mr. Judy and asked since this request was sent from the Board of Supervisors it could not be changed but the Commission could make a recommendation.

Mr. Judy stated any reasonable recommendation could be made to pass onto the Board.

Ms. Kirkman asked if one of the Commissioners would like to make the suggestion about the section of Morton Road being renamed to Primmer House Road.

Mr. Di Peppe stated the Commission would not gain anything with that suggestion as it would not address the problem.

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Ms. Kirkman stated it would eliminate one less confusing turn although it would not eliminate the problem.

Mr. Di Peppe stated when the road was driven it was not confusing. He stated he would rather have the county solve the problem with signage.

Mr. Fields stated there was still a vote to be made on Ordinance O08-32.

Mr. Di Peppe asked how many people would be affected by the Cambridge Street change.

Mr. Zuraf stated there would be few properties affected.

Mr. Di Peppe asked if all properties were notified.

Mr. Zuraf stated yes.

Mr. Harvey stated the current VDOT signs were confusing at the intersection of Layhill and Route 1, the sign stated Route 1 was Jefferson Davis Highway which actually was Cambridge Street.

Mr. Fields stated if the name of a portion of Route 1 was changed from Jefferson Davis Highway to Cambridge Street the designation would still be U.S. Route 1 regardless.

Mr. Judy stated localities may change the name of the road but it would still be U.S. Route 1.

Mr. Zuraf stated there would be one active business in this section that would be impacted.

Mr. Judy stated Ruby Church was located on the western side of Route 1.

Mr. Harvey stated he spoke with the Fire Chief and for 911 purposes he stated if the Sheriff's Office could make the decision Route 1 would only have one name in the county. He stated it would make sense if there were a clearly delineated line where Cambridge Street and Jefferson Davis Highway start and stop.

Mr. Di Peppe made a motion for approval of O08-32. Mrs. Carlone seconded. The motion passed 6-1 (Mr. Rhodes was opposed)

UNFINISHED BUSINESS:

2. SUB2600625; Williams Subdivision, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family residential lots, zoned A-2, Rural Residential, consisting of 14.55 acres located on the north side of Enon Road approximately 1,500 feet west of Wyatt Lane on Assessor's Parcels 45-125 and 45-125B within the Hartwood Election District. **(Time Limit: March 19, 2008) (Deferred to March 19, 2008 Regular Meeting at the applicant's request)**

Mr. Fields stated this item was deferred to the March 19, 2008 Regular Meeting.

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3. SUB2700649; Poplar Hills Section 5, Preliminary Subdivision Plan - A revalidation of an approved preliminary subdivision plan (220331) for 39 single family residential lots on well and septic, zoned A-1 and A-2 consisting of 182.99 acres, located on the north side of Brooke Road approximately 100 feet west of Marlborough Point Road on Assessor's Parcel 40-57 within the Aquia Election District. **(Time Limit: April 14, 2008) (Deferred to March 5, 2008 Work Session) (Withdrawn by applicant)**

Mr. Fields stated this item was withdrawn by the applicant.

4. SUB2600045; Beck Ridge, Preliminary Subdivision Plan - A preliminary subdivision plan for 12 single family residential lots, zoned A-1, Agricultural, consisting of 39.39 acres located on the east side of Richards Ferry Road approximately 4,000 feet southwest of Warrenton Road on Assessor's Parcel 35-16 within the Hartwood Election District. **(Time Limit: May 6, 2008) (Deferred to March 19, 2008 Work Session)**

Mr. Fields stated this item was deferred to the March 19, 2008 Work Session.

5. FY2009 to FY2014 Secondary Road 6 Year Plan (SSYP) – A recommendation to the Board of Supervisors regarding future funding of secondary roads in the county.

Ms. Kirkman stated that the Transportation Committee met on March 3, 2008 at 6:00 p.m. She stated they began by acknowledging the limitations they are operating under which was having short time limits and not enough data to drive a rational decision-making process. She stated that they also acknowledged to get through all this because there was a deadline on it, with the thinking that over the next year they are going to be paying more attention to those things and also that the recognition of the funding situation was quite fluid. She stated that she got one indication that the secondary road year allocation for Fiscal Year 2009 may be as low as \$1.4 million. She stated that they tried to address several different issues, the first was to make a recommendation regarding the revenue sharing program, as originally proposed, this included two projects. She stated one was for the Quantico Corporate Center which we all supported and the second was to apply for some funds to supplement but not complete the Juggins Road Connector. She stated it was the recommendation of the Transportation Committee that rather than engaging in allocating funds for a project for which there was not a clear funding source to complete it, in light of a number of questions regarding the project itself, that their recommendation to the Planning Commission was that for the purposes of the FY09 Revenue Sharing Application, that they consider submitting for the Quantico Road Center and a section of Mountain View Road from Rose Hill Farm up to Joshua Road, near Joshua Road which was a project that came off of the Youth Driver Task Force List. She stated that they chose that one because they were informed by staff that because of their time limitations they would not have time to prepare an application for more than one project so they were looking at what project on the Driver Task Force List met the financial requirements. She stated they also wanted to make a recommendation that, in future years, whenever there was money left over in the transportation fund that the county use those funds to apply for the revenue sharing program in order to specifically fund projects from the hot spot list. She stated that her suggestion would be to discuss that set of recommendations and then move on to looking at the Secondary Road Plan.

Mr. Fields stated that was a unanimous recommendation on those issues. He asked if there were any discussion, questions or comments.

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Mrs. Carlone stated that she had taken a tour of Garrisonville Road and the proposal there. She stated that she thought earlier they had mentioned putting funds towards that project and asked if that was correct.

Ms. Kirkman stated that should be discussed with the Secondary Road Plan.

Mrs. Carlone stated that she felt Juggins was not a priority and should be eliminated.

Ms. Kirkman stated they discussed in terms of whether it should stay on the Secondary Road Plan or not and that was different than whether or not they submit an application for revenue sharing. She stated they should talk about the Secondary Road Plan separately.

Mr. Fields stated he would like to reiterate the tiering system of allocation of revenue sharing. He stated that everybody that asks for revenue sharing does not get it and that any amount that ultimately gets appropriated was competed for across the entire Commonwealth. The tiering system has to do with the more you are willing to commit as a locality, the higher your priority was and the more willing VDOT was to look at your application. He stated that by submitting the approximately \$850,000 for Mountain View Road, and combined with the Quantico Corporate Center, that puts them in the over \$1 million category which was the category that VDOT was going to look very seriously at the application. He stated that they felt that rather than apply for \$150,000 or some more money for Juggins Road, which they all felt was not as high a priority certainly as other secondary road projects and certainly not as high a priority as some of the safety issues from hot spots, they felt that would be better use of revenue sharing. He stated that if there was no further comment they could move to the SSYP recommendations.

Ms. Kirkman acknowledged that there was a point when they are not under time constraints where a policy decision needs to be made. She stated that what they discussed in the Committee was the fact that, in the foreseeable future, there will never be large enough secondary year road allocations from the State to complete any of the large multi-million dollar secondary road projects. She stated they find themselves at a fork in the road in terms of should they continue to put those kinds of projects on the Secondary Road Plan when they know that the chances of completing them with existing road allocations are not very realistic or feasible. She stated that instead should they focus their small and limited secondary road allocations to undertaking smaller projects that make an immediate difference and can be completed within a quick timeframe. She stated the Youth Driver Task Force list serves as a starting point, not an exclusive list. She stated that the unanimous recommendations from the Transportation Committee for Fiscal Year 2009 were to allocate all the available secondary road funds to completion of Garrisonville Road Project UPC51919 and, if necessary, continue the allocations into Fiscal Year 2010 for this project. She stated for Fiscal Years 2010 through 2014 allocate all the available secondary road funds to Courthouse Road UPC4632, for all years remove any funding for Juggins Road until such time as there was data that substantiates the impact this project will have given the high cost, and for all future years use any remaining transportation fund dollars as match for revenue sharing funds to complete hot spot projects. She stated that two members of the Committee supported and one member abstained from the recommendation that UPC73555, the "New" Andrew Chapel Road, be removed from the Secondary Road Plan and that the Board of Supervisors request that FAMPO re-allocate any anticipated CMAC funds to the Falmouth Intersection Project. She stated that they also agreed that

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they need further information to determine if the same recommendation should be made for UPC15458, the Courthouse Road bridge over CSX.

Mr. Rhodes stated he concurred and highlighted a couple points, the first being the Garrisonville Road Project 51919, brought up earlier, and there being a public input opportunity with VDOT from 4:00 to 8:00 p.m. on March 13, 2008, at Moncure Elementary School.

Mr. deLamorton stated the hearing was an open forum.

Mr. Rhodes stated that people should go and make sure their feelings known for VDOT to make considerations. He stated for that project that the county had as a higher priority and had been allocating funds to, they have almost 65 percent of the funds allocated towards the cost of the project, that they are just continuing and completing the process they had been on for a couple years. The other, since he was the abstainer, the project on Andrew Chapel Road and the potential bridge, was just a desire for more information to make sure they fully understand the ramifications or implications of making a change associated with that project. He stated there are projects on the list but not enough money to go around so they need to focus on one at a time.

Ms. Kirkman stated that with the public hearing for VDOT, what that meant was that they had not finalized the preliminary engineering on that project and that they would take into consideration in finalizing the design the comments of the public.

Mr. deLamorton stated that was correct, that this public hearing was a design public hearing where the citizens can take a look at the design aspects of the project. He stated that the location was already locked down, however, VDOT was open to comments. He stated there will be a ten (10) day comment period following the public hearing.

Mr. Di Peppe asked if he knew what VDOT's problems were with maintaining left-hand lane turns on Garrisonville Road.

Mr. deLamorton stated no.

Mr. Di Peppe stated that he was concerned about voting for that aspect of the SSYP and he was not ready to support the money going for it until the concerns of the neighborhood are addressed. He stated he felt it would create a dangerous situation and he would like to know how they were going to solve it before they vote for any money for it.

Mrs. Carlone asked Mr. deLamorton if he could visually show the two crossovers that would be blocked by cement.

Mr. deLamorton stated that he has not reviewed the plans for Garrisonville Road, that it was a VDOT project and he could do his best to speak to their design features for this project but that he may be in error.

Mrs. Carlone stated that she was also concerned with how good the job was to notify the people in the neighborhoods since there was approximately 300 homes and so few people know about this,

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and the fact that the design hearing will be after-the-fact after they have already made their recommendation.

Mr. Di Peppe stated that it was interesting that the public hearing was coming after they made their recommendation.

Mrs. Carlone stated that she felt VDOT should be answering these questions concerning site distance.

Mr. deLamorton stated that the Board of Supervisors has the discretion to allocate the funding that comes from the Commonwealth of Virginia any way they desire and that would be with input from VDOT and, if it were removed up to the acquisition of right-of-way, the county would need to reimburse VDOT for that.

Mr. Howard asked if he knew how much VDOT has spent to date.

Mr. deLamorton stated no.

Ms. Kirkman stated that \$5 million had already been allocated to that project in previous years and asked if that was correct.

Mr. deLamorton stated that was correct and that accrues toward right-of-way acquisition, utility relocation and construction.

Ms. Kirkman stated that she was a little hesitant to start getting into the level of design without knowing all the considerations.

Mrs. Carlone stated that she just wished that people had done a tour of that and going on that road was the best thing to see what happens when two crossovers are closed off.

Mr. deLamorton stated that some years ago his first position with VDOT in Richmond was with the Public Involvement Section in their Location and Design Division. He stated that the Public Involvement Section was in charge of helping the districts set up the public hearings, they would receive the comments either orally or in writing as a result of that public hearing, and they would assemble those comments into a package that went to the Commonwealth Transportation Board. He stated that most comments need to be addressed by VDOT. He stated if there was a comment that questions a design aspect VDOT needs to respond, not necessarily to that citizen, but in the package that goes to the CTB. He stated that they need to respond if they cannot fix it, why not, or if they could or if they did, but that was part of the entire package and the CTB sees all of the comments. He stated that this would eventually go to the Commonwealth Transportation Board for design approval, and that was why he encouraged everybody to attend the public hearing and make their comments known because they would be addressed and they would be read by the VDOT staff.

Mr. Fields stated those were good comments.

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Mrs. Carlone stated that unfortunately, it was after-the-fact for them to make a recommendation that night or to go ahead and approve. She stated she felt there was a little lapse in the loop of information to the people.

Mr. Rhodes stated that was to make a recommendation to the Board of Supervisors and the Board of Supervisors would also have public hearing opportunities on this as well to take inputs. He stated that VDOT would not start design work until they are somewhere near 60 percent funded. He stated he thought there were other opportunities for public comment, and there was an opportunity for the Board of Supervisors to still act on it. He stated that usually they are making recommendations and allocations of these funds generally never on the design associated with it, but that it was always on the requirement associated with the county.

Mrs. Carlone stated that she felt the priority was not there for this over some of the other roads that are more important and more in need.

Mr. Di Peppe stated that they have showed a preliminary design which shows no left-hand turns and it was a great concern to people who live in that area. He stated that he was afraid to vote for that project and he hoped they put the right design elements in later because it had been identified that what they are proposing has problems with it and there are people that have to live with it on a day-to-day basis. He stated he did not know if they could defer this or if it had to be voted on that night, but he would like to hear whether those design changes can be done because he would vote no if they cannot be done.

Ms. Kirkman clarified the timelines and tasks at hand were. She stated what was being voted on that night was not their recommendations to the Board of Supervisors, but what the plan was that they were going to put forward for the public to comment on at the public hearing which was scheduled for next Planning Commission meeting.

Mr. Fields stated he would remind everyone that it was worth noting that the gentleman that represents that area on the Board of Supervisors also happens to sit on the Commonwealth Transportation Board. He stated that he does not know of a better convergence of decision-making to protect the interests of that area than that the CTB member lives near where that intersection was or close to it and having an intimate knowledge of it. He stated that when choices are made, all choices will have consequences and, from a transportation standpoint, every additional movement you make on a road will slow the level of service down on that road. He stated that if that was the choice of the community, all factors being equal, it was a choice that would have to be made consciously. He stated that if the overwhelming public interest of this area was to have left turn movements in and out of St. Christopher Drive and Woodleigh Road, that the more left turns you have or the more movements you have, the more reduced level of service you have. He stated that the interconnection of subdivisions also reduces volume on arterial roads and if they want these major arterial roads to function as highly efficient high level of service movers of traffic across these certain sections of the county, then every way that they can pull movement and traffic off of those roads will increase their level of service. He stated that it was important that it was part of the discussion to understand that every multiple movement that you make on a road has an effect of the level of service, and we are living with reduced level of service in exchange for the interest of these people that access the road. He stated they need to make a vote to send this recommendation forward for the public input session on March 19. He stated that nothing was final and that the

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Planning Commission's final recommendation will emerge post the March 19 meeting. He asked if there was a motion to move this as presented.

Ms. Kirkman asked if a motion on all the recommendations was being requested or one by one.

Mr. Fields asked if there was a general consensus of a plan that they could move forward.

Mr. Di Peppe stated that he had no problem moving forward to a public hearing and all at once.

Mr. Fields stated that he would prefer to take the general set of recommendations forward all at once to the public input session.

Mr. Rhodes clarified that there were actually three pieces that were mentioned, the revenue sharing recommendation, the six year road improvement program which actually needs to hit a certain timeline for the Board of Supervisors and for the joint hearing with VDOT, and he asked if Andrew Chapel was embedded anywhere.

Ms. Kirkman stated yes, however, the Commission needed to make a final decision on their recommendation for the Fiscal Year 09 Revenue Sharing Program because the Board had deferred action to their next meeting.

Mr. Rhodes stated he thought they should talk about the revenue sharing independently, then talk about the 09 allocations associated with the six year secondary road plan as another component as that one was really for the public hearing piece and for discussion and for forwarding to the Board in a subsequent cycle of time.

Mr. Fields asked if the revenue sharing had them applying for \$850,000.

Mr. deLamorton clarified that the \$300,000 for the Quantico Corporate Center would be revenue sharing, \$700,000 would be towards the Youth Driver Task Force Project on Mountain View Road, that would get them to the \$1 million VDOT match, and then \$150,000 above \$1 million would be unmatched, just a local contribution to get into tier one.

Ms. Kirkman stated just to clarify it would actually be more than \$150,000, it would be \$300,000 for the completion of that project.

Mr. deLamorton stated he was referring to Mr. Fields' email to Mr. Swartz and looking back, he probably would have requested of the committee to round it to \$2 million to call it \$1 million in revenue sharing and then they could get the match.

Mr. Fields stated that he was using the \$850,000 combined with the Quantico Corporate Center to get over the \$1 million.

Ms. Kirkman asked what the total cost of the project was.

Mr. deLamorton stated that the total cost of the project was \$1.91 million and fifty percent of that was more like \$950,000.

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Ms. Kirkman stated that Mr. deLamorton was suggesting they estimate that project to be \$2 million.

Mr. deLamorton stated yes.

Ms. Kirkman asked if they were trying to get tier one just for this project.

Mr. deLamorton stated that were trying to get tier one for revenue sharing. He stated that was a good question as far as how VDOT would treat the combined projects but he assumed the package would be treated as tier one.

Ms. Kirkman stated that they have \$300,000 from the Quantico Corporate Center and a minimum of \$700,000 for this project but it was going to take roughly \$2 million to complete it. She stated that if they put up \$700,000 and draw down \$700,000 from revenue sharing, that puts them at \$1.4 million which leaves it unfunded for \$600,000.

Mr. Rhodes asked the status of the \$600,000 that was currently allocated against the Juggins Road project.

Mr. deLamorton stated it was \$300,000, that was \$150,000 in revenue times two which was the match and VDOT was moving ahead with a design on that and they are looking at an advertisement date of late 2009.

Ms. Kirkman stated they could get another \$300,000 from that if it was reallocated.

Mr. Rhodes stated that they have probably done some expenses against that.

Mr. deLamorton stated yes.

Mr. Mitchell stated that he did not attend the meetings when the committee worked on the transportation issues and then he was handed this document and given a very Reader's Digest condensed version of it. He stated at this point he was not comfortable supporting this issue because it was all being thrown at him at once. He stated that he just received the document tonight for the first time so he would be voting against it, but did not have a problem with that as he has been on the losing end many times on this Commission.

Mr. Howard asked if there was any way something could be put together in writing to have in front of everyone right then so it would be understood what they would be voting on because there has been so much that has been mentioned he was not sure he understood exactly what it was they were trying to advance.

Ms. Kirkman stated that she wanted to remind the Commission that the document received was almost identical to documents they had been receiving copies of at the joint work session with the Board of Supervisors and at the session that staff did just for the Planning Commission in this matter.

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Mr. Rhodes stated that he agreed except for the fact that the numbers had been updated because numbers have changed especially for the SSYP. He stated that the revenue sharing was a bit of a newer dynamic and the one with the tightest timeline.

Mr. Fields stated that there was a hard deadline of March 20 for this revenue sharing application and the Transportation Committee was not thrilled with having to make a last minute decision, however, to not apply would be to lose another entire year's worth of revenue sharing money. He stated that if they do not make March 20, there was nothing until the next cycle comes around in 2009. He stated that was the concern and apologized for the rapidness in this issue. The addition of the Youth Driver Task Force project originated because of the discussion of revenue sharing and Juggins Road specifically, which generated a lot of the discussion about the nature of revenue sharing, and how come they only have \$150,000 and that they missed the deadline last year in applying for revenue sharing. He stated he didn't know how that happened but it was done and they missed their chance so they asked when the deadline was this year and was told March 20. He stated that initially the discussion was that given the March 20 deadline there was absolutely no way they could change the revenue sharing request, that it had to be \$150,000 for Juggins Road, that that was the only thing applied for, and that they did not even think that that project was particularly viable or certainly not the highest priority. He asked if one of the most appropriate uses of local transportation money and ultimately revenue sharing be the implementation of the safety issues as outlined in the Youth Driver Task Force. He stated the discussion then followed that there was not enough time to put together an assemblage of projects, scope them out, identify, etc., so there was no way they could put the Youth Driver Task Force hot spots into this year's March 20 deadline Revenue Sharing Plan. He stated that finally they decided that the Mountain View Road project was \$1.91 million and if they did half of that combined with the \$300,000 they know that are going to apply for with the Quantico Corporate Center, it would get them into the tier 1 level and get them a serious amount of revenue sharing money flowing into the county for the Youth Driver Task Force. He stated that if they do not get the application and they do not request the funds, they will certainly not get them. He stated that the other thing was that if they do not get into the million plus tier 1 category, particularly in a sinking revenue picture, it was even less likely that they will get them. He stated that they feel that the revenue sharing for the Quantico Corporate Center was very important for that piece of vital economic development. He stated that to help ensure that revenue sharing they feel that the equally important safety issues in the Youth Driver Task Force in the aggregate will get them into (a) to make sure that they get their application in for what they feel was their fair share of revenue sharing from the Commonwealth and (b) ensure that they have some success with it. He stated that this was all evolved completely in the context of the meeting on Monday where they went into the meeting with no preconceived idea that that was where they would even end up and that to the best of his ability he tried to reconstruct exactly the sequence and the logic of how they got to where they are. He then asked staff if it was possible to generate a quick document outlining what they had discussed.

Mr. Harvey stated yes.

Mr. Rhodes stated that on the SSYP that was handed out was the same form that has been seen on a couple different variations except for with the latest numbers based on the latest projections from the State as to how much will be able to be applied and it was reflective of the dollars continuing to go towards the one project that was spoken on tonight. He stated we are just suggesting that we continue to fund against the one we have been funding the last couple of years.

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Mr. Fields stated that there does seem to be a fair amount of unanimity that the improvement of Courthouse Road west of the courthouse was probably the road that has such a significant role to play that was seriously under-constructed for what it was doing right now. He stated that they all realize that this was only a component of it and the reality of it was, also in the discussion of the Transportation Commission, that everything that was given to them last year with the economy was just taken away and the amount of funding now is even worse than it was before. He stated that none of these projects were going to get done unless additional funds from many different sources were applied. He stated he did not know whether that meant the change in funding from Formula 896, if some sections of these become local roads and/or local money through bond referendum or other types of release. He stated that he thought it was clear that VDOT alone was never going to finish the Courthouse Road project, that applying at all was just a piece of the puzzle, regrettably. He stated that the one question that was in the SSYP that was not unanimous was whether the Andrew Chapel Road Project was a viable use of funds, but to reiterate Ms. Kirkman's point, remember that the Andrew Chapel Road Project was currently being funded with Congested Mitigation Air Quality funds, known as CMAQ funds, which are a specific set of funds that have to apply to basically as the name applies, they have to show that they create a mitigation of traffic congestion and an improvement of air quality. He stated that these are not general secondary road funds that can be applied to a project that would not qualify under CMAQ. He stated that on Andrew Chapel Road, the reconstruction was not simply improving the existing Andrew Chapel Road, it was building a brand new road in a different location and it primarily serves the access to the Brook VRE station.

Mr. Rhodes stated that the general issue for him was that a good degree of new information, new dynamics being put in and we are talking about taking one thing out of one program and making requests to put it into another, there was no guarantee the funding will be applied in the other because that was a regional funding application. He stated that was very different than just continuing down on the existing prioritization of an SSYP that the county has been going towards and so he was very comfortable with going forward on that. He stated the other one was just a lot of new dynamics, he did not know what deadlines may be associated with this and he just was not comfortable moving forward on it at that point.

Mr. Fields stated that if they moved forward that night for public hearing, they would be moving forward to gather more public input and that they acknowledge that there was an idea out there of removing Andrew Chapel Road, that was one of the suggestions, but a vote to move this forward to March 19 was neither an endorsement nor denial.

Mr. Rhodes stated that it was really just about the 09 allocation resources to provide a recommendation to the Board of Supervisors at the core of it.

Mr. Mitchell stated that basically they were taking out Andrew Chapel and taking out Courthouse Road.

Ms. Kirkman stated no. She reiterated there are two pieces of that and why they are talking about it now rather than when or if we are asked to comment on the primary roads or on CMAQ or on any of those things is because the CMAQ funds are currently employed in the SSYP. She stated it was actually very rare to see CMAQ funds applied to any secondary road project and, in fact, the last time she looked, Stafford County was the only locality in the entire State that was doing that. She

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stated it was a series of projects starting with the Courthouse Road realignment that was just finished and originally the reasoning for this nearly \$20 million in total project was to improve access to the Brooke VRE Station. She stated as it stands, the most that the capacity of Brooke can serve was an additional two hundred commuters and that was only if they spend an additional \$1.5 to \$1.8 million to expand the parking lot. She stated what they were talking about was spending millions and millions of dollars to get two hundred more commuters to the Brooke VRE and the sense was that nearly \$9 million that the locality is currently in discussions with FAMPO about getting allocated to the “new” Andrew Chapel Road would be much better spent reallocated to the Falmouth interchange fix and they are only about \$15 or \$16 million away from what they need for that. She stated it was a little less clear on the bridge replacement project and they were waiting on some information from staff to make any decisions about that. She stated she thought they were recommending that consideration be given taking Andrew Chapel off. She stated they also need to look at the bridge thing but that they do not have enough information to make a decision about that.

Mr. Fields stated that voting yes or no on those issues had nothing to do with their vote that night to move forward to March 19, that those were just items that were there as part of the dynamic and as part of the dialogue and the and consideration. He stated they were not voting to take this plan as presented but, as Mr. Rhodes pointed out, to recommend the 09 allocation of funds to the Board of Supervisors. He stated while they have an SSYP ultimately the next fiscal year is the only thing that they could recommend with any degree of certainty.

Mr. Mitchell stated with regards to what Ms. Kirkman said about 630, he sat on the Board when they started 630 and that the real concept was not the VRE, the real concept was Brooke Point High School being built on a single lane road. He stated his daughter was on the bus when the two bus’s mirrors hit each other going around circles has nothing to do with commuters, has a fantastic amount to do with two or three thousand high school students going down a single lane road. He stated the school should never have been built there which was a whole other subject. He stated he fought hard to get the money to widen 630 east for the school, not for the commuter side of it. He stated he thought they were short-changing the dollar amount spent on the road saying it was spent for the commuters, it was spent for the students, for the staff, for the faculty, for the maintenance people at Brooke Point High School and he was proud that they have a nice road to get to Brooke Point High School because he drove that road taking his son and daughter to school when it was a lousy road.

Ms. Kirkman asked that at least one slide be brought up because there was a misunderstanding of the section of Courthouse Road that she was discussing. She provided a slide depicting the portion of road in that discussion.

Mr. Mitchell stated he was not talking the section past Brooke Point High School, he was talking about the money that was allocated to get the road up to Brooke Point High School.

Mr. Rhodes asked if they really needed to do that and were they making the recommendation of the hand-out that was provided to the Planning Commissioners. He stated if so, it had the projects on there, it had the 09 allocation and that is all that they really need to vote on at that point in time.

Ms. Kirkman stated she understood that Mr. Rhodes abstained from the vote, but that two members of the Transportation Committee did recommend that the Andrew Chapel Road project be reroofed.

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She asked to show the slide. She stated the section being talked about, going to Brooke Point High School, was Phase 1 and she thought everybody agreed that because of the safety of students that was definitely needed and that it had been done for a long, long time. She stated Phase 2 which was the section past the Brooke Point High School to just past Andrew Chapel Road was just recently completed. She stated Phase 3 included a new bridge over the CSX railroad track. She stated Phase 4 was a brand new connector between Courthouse Road and Brooke Road. She stated what was important was that Mr. Mitchell did not want to say too loudly that these three sections do not have anything to do with getting commuters to the VRE parking lot because then they would owe the Feds some money because that was the rationale used to get the CMAQ funds. She stated everything from Phase 2, Phase 3 and Phase 4 was being justified for the sole purpose of getting those commuters to Brooke VRE Station. She asked if their recommendation to the Board that they go to FAMPO and ask for CMAQ funds to do Phase 3 and Phase 4, or do they ask them to take the money that would go into Phase 4 and put it towards the Falmouth intersection. She stated that was really the policy question they were looking at. She stated just to reassure Mr. Mitchell, she was not in any way commenting on the need for Phase 1 and she thought everyone would agree that they needed to get that road safe for the teens going to the high school.

Mr. Mitchell stated Phase 1 has nothing to do with Brooke and that when he fought for Phase 1, he was not looking at commuters.

Mr. Fields stated they all understood her point. He stated he thought they should vote to move this plan as presented, draft number 6 dated March 5, to the Public Input Session on March 19. He stated they were neither implying endorsement of nor alternate recommendations by that vote, simply voting to move this process forward. He stated unless there was a major flaw in it that they thought would completely destroy the entire fabric of the SSYP, he would hope they could move this forward to the public comment because they were hoping to have that further public input in to finally make this recommendation to the Board on March 19, that they were not making that recommendation tonight.

Mr. Rhodes made a motion to move the SSYP forward to the Public Input Session. Ms. Kirkman seconded. The motion passed 6-1 (Mr. Mitchell opposed).

Mr. Fields stated that Draft Number 6 will be what they discuss and receive input on at the public meeting.

Ms. Kirkman asked if staff got a chance to write something about the revenue sharing.

Mr. deLamorton discussed the three projects and presented a word document for the FY 2009 VDOT revenue sharing program for Stafford County. He stated the VDOT revenue sharing match cap per locality is \$1 million and this was the Transportation Committee's recommendation. He stated the first project was improvements to US 1 and George Mason Drive and this was in conjunction with the Quantico Corporate Center in Stafford, their southern entrance. He stated the local match for the revenue sharing would be \$300,000 and that this local match was actually paid by the Economic Development Authority a couple years ago. He stated project number 2 was Mountain View Road, Route 627, from Rose Hill Farm Drive to Joshua Road and this was two-lane reconstruction. He stated two-lane reconstruction basically was reconstructing the existing two-lane road to current day standards and the total estimated costs was just under \$2 million, \$1.91 million.

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He stated the revenue sharing allocation, and this was where they could discuss, would be \$700,000, the unmatched local fund contribution would be \$150,000, for a total of \$850,000, therefore, the total revenue sharing allocation would be \$1 million with unmatched local funds of \$150,000. He stated this puts the application in the first tier of consideration by VDOT as they look at the revenue sharing requests statewide. He stated there were four tiers and that tier one was if the locality applies \$1 million to revenue sharing and tosses in some money above that that would be unmatched by VDOT.

Mr. Fields asked if that helped clarify the issues and if any more clarification was need to meet the June 20 deadline. He stated knowing what they know now they could start developing a timeline for next year so for that their revenue sharing program for 2009 they start talking in August. He stated they are stuck with a timeline and stuck with a presentation that they did not know about until Monday and that they are trying to hopefully get the county on the right track. He stated that was their only motivation.

Ms. Kirkman stated the second motivation was that they lost \$1 million in secondary road funds last year when they did not apply and missed the deadline for revenue sharing. She stated they did not want to miss that opportunity again.

Mr. Rhodes made a motion that they approve that recommendation and request that staff take the necessary actions to put the application together so that it can get to the Board of Supervisors for the next session and, therefore, down to Richmond by June 20. Mr. Di Peppe seconded.

Mr. Mitchell stated he appreciated Mr. Fields' comments that they need to look at it by August of this year for next year and he was concerned about things being thrown at them so quickly. He stated he was supporting the issue but he was supporting the issue only on the proviso that they start in August of this coming year and look at the coming calendar year and, as mentioned, that they do not lose additional revenue sharing money.

The motion passed 7-0.

Mr. Howard asked if they could get a copy of the document Mr. deLamorton typed.

Mrs. Carlone asked if they could type up a timeline concerning the transportation decisions.

Mr. deLamorton stated the Planning Commission's Transportation Committee met this past Monday, March 3, that they were meeting March 5 where the Transportation Committee presents to the full Planning Commission their recommendations and then the Planning Commission advertises a Public Input Session for March 19. He stated on Wednesday, March 19, the Planning Commission holds its Public Input Session, by Tuesday, April 1, the Planning Commission would present its recommendation to the Board of Supervisors, on Tuesday, April 15, the Board authorizes its joint public hearing with VDOT on the SSYP and that public hearing would be held on Tuesday, May 20, when they would consider a resolution adopting the six year plan for 2009 to 2014.

NEW BUSINESS:

None

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MINUTES:

None

PLANNING DIRECTOR'S REPORT

Mr. Harvey stated the Board of Supervisors took action on a number of items that had previously gone before the Planning Commission. He stated they approved the Conditional Use Permit for the Fairhavens Floodzone Encroachment in the Hartwood District. He stated a somewhat related issue that would be coming before the Planning Commission in the future was a Zoning Administrator's determination regarding proffers for a project called Westlake in the Hartwood District of the county. He stated the proponent for that project has agreed with the Zoning Administrator and filed an appeal and the Board held a discussion of that appeal and upheld the Zoning Administrator's determination. He stated that determination affected what types of units would be allowed in that development project and they will all be single-family detached. He stated the applicant had previously submitted a preliminary subdivision plan with the department that showed townhomes and they told the applicant that the plan had been rejected, but it would be back for single-family homes. He stated the Board also held a public hearing on Onville Estates which most of the Planning Commissioners probably do not know about that project because it went to the Commission in early 2007 for a public hearing. He stated they recommended denial, that it was a residential rezoning near Quantico Marine Corps Base on Onville Road. He stated they took up the Life Care Comprehensive Plan Amendment and Rezoning and approved those applications, and the Board has referred to the Planning Commission an ordinance to revert back to the way they had previously done business with regard to flood zone studies. He stated prior to last year flood zone studies went to the Board of Zoning Appeals if there was an encroachment into the floodway, then the ordinance was changed to require it by conditional use permit. He stated the Board deferred that it go back to the Board of Zoning Appeals as a special exception and they will be presenting an ordinance in the Ordinance Committee to repeal what they had previously done.

COUNTY ATTORNEY'S REPORT

No report

SECRETARY/TREASURER REPORT

No report

STANDING COMMITTEE REPORTS

Mr. Di Peppe stated they wanted to set a date for the subcommittee of the comprehensive plan. He stated they would have to give a five (5) day notice and they could meet at 6:00 p.m. on Wednesday, March 12, if that was convenient. He stated he did not anticipate it being a very long meeting.

Mr. Zuraf stated they could get geared up as far as what issues need to be discussed and that it sounded like more frequent meetings need to be scheduled.

Mr. Di Peppe stated that could be discussed, especially since they were under a timeline of July. He mentioned that other Planning Commission members, even if not on the subcommittee, are welcome to come to the meeting and the public was welcome as well.

Mr. Fields stated he would be having a meeting to start setting up the Chapter 896. He stated with the impending Senate Bill 768 there was a lull on that. He stated if that had passed, that would have taken away essentially all local government authority for all intents and purposes on land use

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decisions in terms of being able to mitigate the impacts and costs of development. He stated it has been held up for a year and he thought that if they assume they can be pro-active on 896 that the value of 896 might prove to be potentially an effective counterweight to the ultimate energy behind Senate Bill 768.

ORDINANCE COMMITTEE

Mr. Stepowany stated that he passed out the final version to be forwarded to public hearing for the buildable area, and made the changes that Ms. Kirkman requested. He stated he would be happy to answer any questions.

Mr. Di Peppe asked if those were the changes that were referred to earlier.

Mr. Stepowany stated yes.

Mr. Di Peppe made a motion for approval for a public hearing with the Planning Commission for an ordinance to amend Sections 28-24, Measurements, and 28-25, Definitions of specific terms of the Zoning Ordinance and Sections 22-4, Definitions, 22-143, Shape, and 22-146, Side lot lines of the Subdivision Ordinance. The amendment establishes regulations pertaining to buildable area and peculiarly shaped, elongated areas of lots. The Planning Commission finds that public necessity, convenience, general welfare, and good zoning and subdivision practice requires the governing body to consider an ordinance to amend the regulations. Mr. Rhodes seconded. The motion passed 7-0.

CONSENT AGENDA

No report

SPECIAL COMMITTEE REPORTS

No report

CHAIRMAN'S REPORT

No report

ADJOURNMENT

With no further business the meeting was adjourned at 9:17 p.m.

Peter Fields, Chairman