

STAFFORD COUNTY PLANNING COMMISSION
WORK SESSION MINUTES
June 4, 2008

The work session of the Stafford County Planning Commission of Wednesday, June 4, 2008, was called to order at 5:44 p.m. by Chairman Peter Fields in the Board of Supervisors Chambers of the County Administrative Center.

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

Members Absent: Howard

Staff Present: Harvey, Judy, Stinnette, Baker, Lott, Stepowany, Zuraf and Schulte

Declarations of Disqualification

None

UNFINISHED BUSINESS:

1. SUB2700557: Ruby Meadows, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family lots, zoned A-1, Agricultural, consisting of 41.31 acres located on the south side of Garrisonville Road approximately 300 feet east of Green Acre Drive on Assessor's Parcels 9-10 and 9-11 within the Rock Hill Election District. **(Time Limit: August 5, 2008)**
(Deferred to June 4, 2008 Work Session)

Mr. Fields asked if staff had a presentation for Ruby Meadows.

Brenda Schulte stated staff did not have a presentation, because nothing had changed from the last meeting. She stated since Mr. Howard was in Pittsburg, he did forward an email with items he felt were addressed in the meeting and provided the Commission with a copy of the email. She stated the applicant, engineer, a representative from the soil consultants and a representative from Williamsburg Environmental Group (WAG) were present and wanted to address outstanding issued from the last meeting.

Ms. Kirkman asked if the applicant was present at the meeting and if changes had been made.

Mrs. Schulte stated the applicant was present and no changes have been made to the plan.

DebraRae Karnes, of Leming and Healy, stated that she represents the applicant on this matter and asked if she could see Mr. Howard's email. She stated when she met with Mr. Howard, he asked her to give a small presentation concerning the transportation issues. She stated she would like to address the shared entrances and the site distances, which was a great concern to Mr. Howard. She stated VDOT had no sight distance requirement for shared entrances, but does require a minimum of 500 feet sight distance for public roads. She suggested they use the 500 foot sight distance for public roads as the gold standard even though it was not a VDOT requirement for driveways. She stated all but one lot would have a shared entrance on Garrisonville Road and only two entrances fail to provide the 500 foot sight distance. Lot 13 provides 315 of sight distance and the entrance for lots 9 and 10 provides 411 feet of sight distance. She stated sight distance can also be affected by landscape design and the applicant was willing to design the street landscaping and slope for the two entrances in question to allow clear sight distance.

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Mrs. Carlone stated at TRC lot 10 had a single entrance.

Ms. Karnes stated when the applicant submitted the original application the driveways were single entrances. She stated VDOT suggested the shared driveways.

Mrs. Carlone stated VDOT did agree with the shared driveways.

Ms. Karnes stated she would be happy to answer any questions concerning transportation. She stated that she thought Mrs. Kirkman had questions concerning the location of the drainfields and Mrs. Carlone had questions concerning the location of the Ruby Post Office and would be happy to address those items.

Mrs. Carlone stated she spoke with Wendy Wheatcraft, concerning the post office, the small house and the cemetery and there was concern about the upkeep.

Ms. Karnes stated the Planning Commission was concerned about the Ruby Post Office being located on the property owned by the HOA. She stated when she spoke with Ms. Wheatcraft, the Cultural Resources Planner, it was important to her that the Ruby Post Office remain on this parcel because of the integrity of the building.

Mrs. Carlone asked about fencing for the Post Office and the cemetery.

Ms. Karnes stated the cemetery had existing fencing.

Mrs. Carlone asked about the condition of the existing fence.

Keith Newport, applicant, stated he was going to install a wrought iron fence around the post office and the cemetery in addition to the existing fence.

Ms. Karnes stated the Historic planner questioned the significance of the house and wanted an architectural inventory if she determined it was significant. She stated the issue has not been raised since the first discussion concerning the significance of the house.

Mrs. Carlone stated the major things to her were the post office and the cemetery with fencing around both.

Mr. Fields asked how a 13 member homeowners association (HOA) would take care of this historic property.

Ms. Karnes stated they were talking about maintenance of the lot and securing the property from vandalism. She stated it was her thought that the purpose was to retain the post office until such time that a group may step forward to preserve the integrity. She stated that would not be the HOA.

Mr. Fields asked about the partial reserve and asked how it would solve the problem.

Ms. Karnes stated she would like to introduce Ruben Laken, to answer that question.

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Mr. Laken stated there are lots where a portion of the reserve was adjacent to the installation area. He stated sometimes there may not be enough area in one location the reserve area may be adjacent or close or maybe one hundred feet away. He stated another site suitable by soils and landscape was delineated also as reserve area and the sites do not have to be adjoining. He explained a drainfield was a number of lines in the ground that are typically staggered in four ditches that are split by a distribution box. He stated that on lots that have narrow ridges or small topographical features with good soil, it was a matter of getting enough area.

Mr. Fields asked if the drainfield was functional if the fields are separated by one hundred feet or more in two separate locations.

Mr. Laken stated yes, the lines do not know if they are nine feet apart or one hundred feet apart. He stated you are only dealing with water because the solid was separated in a tank. He stated if you are dealing with a pump situation, it was a little more complicated because you are splitting and trying to get flow equalization, but it was certainly nothing that can not be done or a problem, it was just more in the design aspect.

Mr. Fields stated one drainfield was seven hundred feet from the building and asked if that was gravity flow or pump system.

Mr. Laken stated if it was over five hundred feet it would require an engineer design and a pump because of the distance.

Ms. Kirkman asked if there were one or more lots that would require pumps.

Mr. Laken stated yes, there are four lots with alternative systems which generally require pumps. He stated the remainder could require a pump, it would depend on the house location and the floor elevations in relation to the drainfield.

Ms. Kirkman stated she received the soil reports as the meeting was starting, so she has not had a chance to review them. She stated it was her understanding that if a drainfield required engineering to function it has to be signed off by a Professional Engineer (PE), and she stated she did not see where a PE had signed off on any of the drainfields.

Mr. Laken stated the copies the Commission has are his personal file copies, and my not have the PE signature. He stated everything on the drainfields have been approved by the Health Department and meets the regulations and the ones that would require a PE signature would have it.

Ms. Kirkman stated we have confirmed that just because the Department of Health has signed off on it does not mean it meets the regulations. She stated the Department of Health verifies the ASOE has done the work, they do not verify weather or not they meet the regulations. She asked if the site required engineering, does a PE to sign off. She asked if an engineer has reviewed those lots that require engineering.

Mr. Laken stated they generally do that on permitting only, on a subdivision approval the only system that requires an engineers stamp was a very shallow place for a drip mound system and that was because

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the Health Department was not comfortable with reviewing that system. He stated the alternative systems shown are so common place that for subdivision approval they are not required.

Ms. Kirkman stated not for alternative systems but for the lots that have long lines between the house and drainfield. She stated Lot 4, where the reserve area was separated and has a partial reserve area that was not a gravity flow situation. She stated they were on equal contour and she would wonder if that would be a situation that requires engineering. She stated it clearly states in the Department of Health regulations that if it requires engineering to function, it has to be signed off by an engineer. She stated by Mr. Laken's responses so far an engineer has not reviewed the lots with long lines and some of the unusual splits of the partial reserves.

Mr. Laken stated the splitting and the partials did not require an engineer.

Ms. Kirkman stated if a drainfield separated by many feet was not downhill from the other part, how would it get from one place to the other.

Mr. Laken stated that would be a pump situation, but not necessarily required to be engineered. He stated those things are not required for subdivision approval because the house placement would determine that requirement. If this was for a permit package, then it would have an engineers seal. He stated an engineer does not do calculations for subdivision approval unless it was a drip system as required by the Department of Health.

Ms. Karnes asked if the Health Department signed off .

Mr. Laken stated yes, Tommy Thompson signed off and there was a letter stating he reviewed the paperwork and stated it met the new requirements.

Ms. Kirkman asked for explanation as to what leads to drainfield failure.

Mr. Laken stated a multitude of problems, which could be time, all drainfields will probably fail one day. He stated he designs systems not only by the regulations but by site and soil that will last for decades if maintained and installed properly. He stated other reasons could be poor installation, what the homeowner does, such as water softeners or garbage disposals which could have a negative impact, traffic over a shallow placed system, or poor clearing for a shallow system, bad soil, or improper design.

Ms. Kirkman asked if there was a failure with the primary drainfield which was immediately adjacent to the reserve, how would the reserve area still be good.

Mr. Laken stated unless something has happened to the reserve area, there was no reason it should not be good.

Ms. Kirkman asked if it would get compacted during the construction of the primary drainfield.

Mr. Laken stated it could, but would depend on how well the site was maintained or how deep the trenches are in the ground. You still have a nine foot separation from the bottom of the installation ditch to the first reserve ditch.

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Ms. Kirkman asked if he said nine foot.

Mr. Laken stated typically a drainfield in a conventional system are on nine centers, three foot wide trenches on nine foot centers.

Ms. Kirkman asked since there were some separation by these on center calculation, was that additional area that would be needed when these were reviewed for compliance. She asked if it was noted that part of the area would be taken out of the calculation.

Mr. Laken stated yes.

Mr. Di Peppe asked once the house was sold, how would the landscaping be maintained to retain the site distance.

Ms. Karnes stated when she was talking about special landscaping she was also talking about perhaps adjustment of the slope. She stated the plantings could be revised by homeowners.

Mr. Di Peppe stated or be allowed to overgrow. He asked the speed limit in the area.

Ms. Karnes stated 45 miles per hour (MPH).

Mr. Rhodes asked staff if there was a requirement for a PE's signature on a preliminary subdivision plan.

Mr. Judy stated not for preliminary plats. He stated the regulations that Ms. Kirkman was referring to are the Virginia Health Regulations with regard to the identifications, development, engineering and installation of the drainfield site on the lot, when the lot was being developed. He stated it has nothing to do with the preliminary plan.

Mr. Harvey stated earlier in the evening, he and Ms. Kirkman were talking about reverse frontage and the shared driveway ordinance. He passed out copies of the updated Ordinance that passed in March.

Ms. Kirkman stated we have an ordinance regarding side lot lines, which states the side lot line shall be approximately at right angles or approximately radial to the street line except at cul-de-sac terminal points. She stated she raised this point with the applicant when this was presented. She stated lot 6 has not been corrected.

Ms. Karnes stated we have consulted with the case planner, Jonathon Schultis, and we believe this lot lines do meet the ordinance. She stated the ordinance uses words like approximately.

Ms. Kirkman stated this was parallel to the street frontage, and asked how was that approximately.

Ms. Karnes stated she would defer to the staff opinion that concluded the plan met all requirements.

Ms. Kirkman asked if the applicant was not going to change the lot line.

Ms. Karnes stated the applicant was told this application met all the requirements.

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Ms. Kirkman stated for information, although staff can make recommendations, the only body that has authority to make that decision was the Planning Commission. She stated again, because this lot line was parallel to the front lot line, she did not see how it comes close to being approximately at right angles to the street line.

Ms. Karnes stated she would like to ask the engineer.

Mr. Rhodes asked if the Commission was saying they can not put a back line on lot 5.

Ms. Kirkman stated she does not believe that lot meets the requirements of the ordinance. She stated she has previously raised this with the applicant and would like to know from the applicant, if they were going to redesign the lot line or if this was the plan the applicant wanted the Commission to vote on.

Ms. Karnes stated she was advised by her client, that he along with his engineer, believe that was a rear line which meets the ordinance.

Ms. Kirkman stated she had another question concerning Section 28-38, performance regulations, which talks about density requirements and read the section of the ordinance.

Mr. Harvey stated in the case of A-1 and A-2 subdivisions the zoning category has minimum lot size it does not have a density defined in the ordinance, so the allocated density ordinance does not apply.

Ms. Kirkman stated she has consulted with our attorney on this and he did tell her that it applies to all the residential land uses in Table 3.1. She stated she did not bring the email, but she does have it in writing.

Mr. Harvey stated if the attorney has an opinion, he would take that into advisement and have the planners consider that in plan review.

Mr. Judy asked which code section Ms. Kirkman was reading.

Mrs. Kirkman stated she was looking at Section 28-38, performance regulations.

Mr. Fields stated while waiting for staff to look at that he would like to ask why reverse frontage was not an option instead of shared driveways.

Ms. Karnes stated if you use the plan as a guide, to do reverse frontage you would have to bring in and interior road, and you would have to do it in the middle of the site where most of the intense slope was located. She stated, in her opinion, it would be impractical from a site design standpoint that you would have to build more road and more impervious surface for driveways, take down more tree and more site disturbance and finally loose approximately half of the lots.

Mr. Judy stated there was an email discussion on a particular question, and he did not remember the question, so he does not know the context of the answer he gave. He stated the code section states “the allocated densities for each respective land use district shall not be exceeded. The maximum net density for all land use districts shall be calculated as follows” as Ms. Kirkman said. He stated there was no allocated density for agriculturally zoned land so it can not apply. He stated again, he was not sure of

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the context of the question on an email response about this issue, but when he reads it, unless there is an allocated density, this would not apply.

Mr. Fields gave a brief history stating it was the intent of the Board of Supervisors the net density would apply to all zoning categories.

Ms. Kirkman read a definition of allocated density, and suggested the Commission should give Mr. Judy more time to look into this item and stated she also had questions as to the applicability of the drainfield ordinance which she did not have in front of her.

Mr. Judy asked about what drainfield ordinance.

Ms. Kirkman stated the one regarding reserve drainfields.

Mr. Judy stated he was not sure which one she was referring to.

Ms. Kirkman stated the ones that were passed by the Board of Supervisors requiring the provisions of certain size areas for reserve drainfields.

Mr. Judy stated he was under the impression the applicant had met those ordinances.

Ms. Kirkman stated all we know was that the Virginia Department of Health looked at them plans, we do not know if the plans have met the requirements. She stated there were also questions about the lot shape. She suggested the Commission defer action to allow the attorney time to look at the items in more depth and get a formal legal opinion to the Commission.

Mr. Rhodes asked Mr. Judy if he needed more time to look at the lot density issue.

Mr. Judy stated he was not sure what it would accomplish, but yes if the Commission needs a complete opinion he would be glad to do that.

Ms. Kirkman stated yes that and regarding the side lot lines.

Mr. Judy stated he has already rendered an opinion on that issue at a previous preliminary plan, but would again get one for the Commission.

Mr. Rhodes asked if that was where the side line was the back lot line.

Ms. Kirkman stated that was a motion to defer.

Mrs. Carlone seconded.

Ms. Karnes stated in summary, the applicant believes this plan meets all the minimum requirements, but certainly does not want a shadow over this plan. She stated they would be happy to allow the county two weeks.

Mr. Fields stated the amount of time for deferral was up to the Planning Commission, but noted her request for two weeks.

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Ms. Kirkman stated the Commission would be doing some discussion of the scheduling later on based on additional meeting that would be added, so would accept for the next meeting. She asked Mr. Judy if that would work with his schedule.

Mr. Judy stated he would advise the Commission he would not be at the next meeting, but someone from the office would be available and he would give them a written report, otherwise he would prefer a meeting that he would be attending.

Ms. Kirkman asked to defer to the next meeting that Mr. July would be attending.

Ms. Karnes stated she would like to note the May 7, 2008 staff report states the time limit was July 1, 2008

Mr. Fields stated the document the Commission has states August 5, 2008

Mr. Di Peppe stated that would need to be checked out.

Ms. Karnes stated the applicant would consent to an adjustment if needed.

Mr. Judy stated he would be available for the July 2, 2008 meeting.

Mr. Di Peppe stated o the original memorandum it does state July 1, 2008, but on this evenings it states August 5, 2008.

Mr. Judy suggested asking the applicant if they would consent to an extension to July 2, 2008.

Ms. Karnes stated the applicant would consent to July 2, 2008.

Mr. Fields stated the motion on the floor was a deferral to July 2, 2008, and seconded. The motion to defer passed 6-0 (Mr. Howard absent).

COMPREHENSIVE PLAN COMMITTEE

2. Meeting Update

Mike Zuraf provided an update of the last meeting which was held June 2, 2008. He stated materials were provided to the Commission this evening as a result of that meeting. He stated the Committee reviewed revised build out numbers, which looked at the future build out under existing zoning conditions, and build out based on future land use conditions based on the latest future land use map. He explained in detail the three page hand out. He stated commercial apartment information was not available at the June 2, 2008 meeting, so that information has been added. He explained that was a use currently permitted in the commercial zoning districts. He stated the assumptions were that the commercial sites would build out fully and commercial apartments area can equal the amount of commercial development on the site. He stated he based the approximate apartment size of one thousand square feet per unit. He stated the first sheet was zoning build out in the growth area, the second sheet looks at zoning build out on land that was outside of the growth area.

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Mr. Rhodes asked out of the existing dwelling units, the 32,820, how many are commercial apartments.

Mr. Zuraf stated we have not figured that in, because he does not know of any commercial apartment projects.

Ms. Kirkman stated there had been one or two approved, but not built.

Mr. Zuraf stated we are starting to see more, the idea was out there and has been proposed, but nothing was on the ground.

Mr. Rhodes stated he just wanted to make sure he understood the future dwelling units potential 78,682 units of which 60,964 are commercial apartments.

Mr. Zuraf stated that Mr. Rhodes was correct.

Mr. Rhodes stated, of the existing 32,820 units, there was some small numbers that were commercial apartments.

Mr. Zuraf stated no, none. He stated the 60,000 was a potential number.

Mr. Fields stated excluding the commercial apartments about 17,000 units were approved in the growth area.

Mr. Zuraf stated not approved, but allowed by-right.

Mr. Fields asked if the recreational business campus zoning had been changed. He asked if the Del Webb project at Celebrate Virginia had 1,400 units.

Mr. Harvey stated it as approximate 1,350.

Mr. Zuraf stated he would check into that information.

Ms. Kirkman stated in her opinion, staff does not look at approved subdivision plans, they just look at the area and the land use in calculating the numbers.

Mr. Zuraf stated that was correct. He stated the second sheet looked at growth outside of the Urban Service Area (USA). He stated the third sheet on the zoning build out was a new item added in that provides a summary table so the Commission can compare future growth inside verses outside the USA. He stated the work presented on Monday has been updated from previous efforts, this was based on the latest existing land use information, which was updated the beginning of the year.

Ms. Kirkman asked if it included the Courthouse rezoning, which was approximately 500 acres.

Mr. Zuraf stated it should, but he would double check. He stated there was a summary and the other grouping of build out tables involved the analysis of the latest future land use plan which was set up the same was as the zoning with the differences due to new categories.

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Mr. Rhodes asked if the column titled “based on zoning potential” was homes and townhomes.

Mr. Zuraf stated yes.

Mr. Rhodes asked if the commercial apartments were also based on zoning potential.

Mr. Zuraf stated that was correct. He stated an issue that was raised when this was discussed. The 36,000 number, which exceeds the projected dwelling unit. The suggestion was made that maybe the land use map should be revised to bring the build out further down. He stated the group discussion was to take that up at this meeting. He stated the next thing was a briefing on the transportation model and stated the Commission had two maps in the package that were also provided to the Committee. He identified the maps. The first map was the daily Levels of Service (LOS) and explained in detail the lines and colors on the map and what they represented.

Ms. Kirkman stated the LOS in this map uses a different definition than the Ordinance. She stated the Ordinance uses a definition based on delay time and this LOS was based on volume to capacity ratios.

Mr. Zuraf continued to explain the map and stated this was data based on the daily average based on a 24 hour period. He stated the second map line identify traffic volume by band width or greater traffic volumes. He stated the traffic modes would identify peak hours of LOS during the morning or evening and would also allow more detailed maps. He stated a summary report would be provided concerning delay and lane mile conditions. He stated the next Committee meeting scheduled next Monday, June 9, 2008. He hoped to review another transportation model run as based on the future land use plan and if time permits at the next work session on June 18, 2008, schedule time for Bill Allen, the consultant who worked on this model, to make a presentation and answer questions. He stated the Committee also distributed initial revisions to Chapter 1. He hoped to get more revisions out at the next meeting. He stated staff also went over revisions that were ongoing with the public facility projections because the costs were very high. He stated again the next Commission meeting would be June 9, 2008 at 6 o’clock in the activities room. He also noted the schedule provided to the Commission would need to be revised, due to the revision the Committee was making.

Mr. Di Peppe suggested scheduling another Committee meeting for June 16, 2008.

Ms. Kirkman stated the Transportation Committee was meeting with the Board sub committee on the transportation bond referendum, which presented a scheduling conflict, and she could report on that later in the regular meeting. She stated they were going to recommend to the Board that the Planning Commission schedule a special session for the fourth Wednesday in June to allow the Commission to review the Board proposal regarding the transportation bond to get a recommendation back to the Board for their July 1, 2008 meeting. She stated, since the Commission was meeting on June 25, 2008, that would allow the Comp Plan Committee another week to get some work done which may allow staff the information to complete their piece on policies and implementations schedules. She stated there would still be three weeks to July 16, 2008 to schedule a public hearing. She suggested rescheduling the meeting on June 18, 2008 entirely to June 25, 2008 to hear the Comp Plan information and the Transportation information.

Mr. Di Peppe stated in his opinion there was still a need for more Comp Plan sub-committee meetings.

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Ms. Kirkman agreed.

Mr. Di Peppe suggested those dates be scheduled for June 16, 2008 and June 23, 2008 at 6 o'clock and put that information on the website.

Ms. Kirkman asked if staff would be able to do their work in that timeframe.

Mr. Zuraf stated yes, but with that it brings up the issue of the land use plan and if that needs to be adjusted also.

Mr. Di Peppe asked for clarification. Was Ms. Kirkman suggesting instead of the Planning Commission meeting on June 18, 2008 to move the regular meeting June 25, 2008, and not have both meetings?

Ms. Kirkman stated she thought so, but no decision had been made.

After a brief discussion by the Commission and Mr. Zuraf concerning when the transportation consultant should make a presentation. Mr. Di Peppe suggested he make the presentation at the June 25, 2008 meeting.

Mr. Zuraf stated he would have to confirm with the consultant to make sure he could move from June 18, 2008 to June 25, 2008.

Mr. Di Peppe asked if the Ordinance Committee could be held at the regular session of the Planning Commission because of time issues.

Mr. Fields agreed.

ADJOURNMENT

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

Peter Fields, Chairman
Planning Commission

STAFFORD COUNTY PLANNING COMMISSION MINUTES
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The regular meeting of the Stafford County Planning Commission of Wednesday, June 4, 2008, was called to order at 7:33 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 and Kirkman

MEMBERS ABSENT: Howard

STAFF PRESENT: Harvey, Judy, Stinnette, Baker, Stepowany, Hubble and Faroughi

DECLARATIONS OF DISQUALIFICATIONS:

None

PUBLIC PRESENTATIONS:

None

Mr. Fields stated the Commission would be discussing the Rappahannock River Overlay District from the Ordinance Committee and turned the meeting over to Mr. Di Peppe who was Chairman of that Committee.

Kathy Baker gave a presentation and stated the Rappahannock River Overlay District was placed on the agenda to get feedback from the Commission. She stated the Board of Supervisors (Board) discussed the Potomac River Overlay District at their April 15, 2008 meeting and requested the Planning Commission consider a similar district for the Rappahannock River to be sent back to the Board by September. She stated the Board held a public hearing concerning the Potomac River Overlay on May 20, 2008 and had requested additional studies and information from staff. She stated a memo was presented to the Board at the June 3, 2008 meeting, which the Commission should have received a copy, which explained some studies and recommendations from staff on meeting the request. She stated the Board had requested that staff consider looking at the entire Potomac River watershed, rather than the district that was proposed by the Planning Commission. She stated for reference, if the Commission would look on the map, the red line was the original Potomac River Overlay the Commission recommended for approval and the green line was the entire Potomac River watershed. She stated the Board deferred the Potomac River Overlay for five months to allow staff time to perform the additional studies and look at the entire Potomac River watershed and also look at changing it to twenty-five percent slope as opposed to fifteen percent slope and do some ground truthing of some of the mapping provided during the public hearing. She stated with that in mind, she asked the Commission how they would like to proceed with looking at a Rappahannock River Overlay District. She asked if the Commission would like to do it in conjunction or separate.

Mr. Harvey stated we are experiencing a weather event and may want to consider suspending activity at this time.

Mr. Fields stated the meeting stands adjourned.

Mr. Fields reconvened the meeting at 8:06 p.m.

Mr. Fields stated one of the reasons the Commission did not start on developing a level of criticality on the Rappahannock was because it was a much different situation and it does not have the number of large tidal estuaries to protect. He stated above the fall line the entire bank of the Rappahannock was under a conservation easement owned by the City of Fredericksburg and there was already a significant kind of preservation act. He stated his suggestion would be to defer this item until the Board had

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resolved their issue with the Potomac River Watershed. He stated he did not feel the Commission need to get started on something at this point until we see how that develops and plays out.

Mrs. Baker stated the Board has requested this come back to them by September, so they would need some action, if the Commission would decide not to do something before that time.

Ms. Kirkman stated she would like to point out that the Board did not send this to the Commission in the form of an Ordinance, it was only a request and we have considered that request. She stated she agrees and did not feel the Commission should be doing anything on this issue until the Board acts on the Potomac River Resource Protection Overlay District. She stated that ordinance was designed to maximize protection of sensitive water resources and minimize the impact on property owners. She stated in her opinion, this referral was a cynical ploy to derail the whole process and she was not interested in participating in it. She stated she would support deferring this until after the Commission has seen what the Board's true intentions are regarding the Potomac River Resource Protection Overlay District.

Mr. Fields stated that would be his motion.

Mrs. Carlone stated she would second.

Mr. Rhodes asked how the Commission could defer action. He stated the Commission would still have to respond back to the Board.

Mr. Di Peppe stated perhaps it should be in the form of a letter to the Board advising the Commission would defer action until the Board resolved the Potomac River Resource Protection Overlay District.

Ms. Kirkman stated the motion was made to defer and the Commission would have to decide what action they would take. She stated there are various ways to report that back to the Board rather through staff or through a letter from the Commission Chairman.

Mr. Di Peppe stated there was a motion to defer this until after the Potomac River Overlay was finished and a second. He asked if there was further discussion.

Mr. Rhodes asked if there was any requirement of any type to respond to a request from the Board other than to defer.

Mr. Di Peppe stated they asked the Commission to take a look at it and the Commission was saying the first overlay has not been resolved, and would not be productive to spend staff time and money on this item until we know what the Board would be doing with the first request.

Mr. Rhodes asked if there was a possibility on anything complimentary about a Rappahannock related overlay district with the Potomac Overlay.

Ms. Kirkman stated the motion was to defer until the Board has made a decision on the Potomac River Resource Overlay Protection.

Mr. Rhodes stated there was a motion and a second and there was usually a discussion and he was discussing the issue. He stated he was curious if there was any knowledge of anything potentially complimentary about the Rappahannock River Overlay associated with the Potomac Overlay. He stated if there was no belief there was anything complimentary, he would be more comfortable with the recommendation. He stated if there was something complimentary, it may be beneficial to the discussion.

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Mrs. Carlone stated they are two separate issues. She asked Mr. Rhodes when he said complimentary, did he mean combining the two items.

Mr. Rhodes asked if there was anything that one could develop associated whatever might be Rappahannock Overlay or that might be beneficial to incorporate when they were looking at the Potomac Overlay. He stated, in his opinion, the Commission was being a bit dismissive and he had not gotten an opinion from staff or anyone else that there was not something beneficial from looking at this, since the Board was deferring for five months.

Mr. Di Peppe stated the Board deferred for five months to allow them to do some studies on this particular watershed.

Mr. Rhodes asked from the staff perspective could there be a benefit to look at this to provide information to the other studies they are doing on the Potomac or are they exclusive and therefore no interaction between the two.

Mrs. Baker stated she wanted to mention there has been a study done on the Rappahannock tributaries three years ago, and sometimes a lot of ordinances are based on an actual watershed study. She stated the study did have some recommendations with regard to buffer, so we could use that information to look at, not necessarily specific to either watershed, but as a basis of how to come up with recommendations for the watershed areas and how to manage them.

Mr. Fields stated he understood and respected the questions Mr. Rhodes was asking, but in his opinion the relative difference of the topography, soils and critically of the issue. He stated in his opinion, the Board has a certain process in mind.

Mr. Rhodes stated he would ask staff's opinion if looking or working on that would provide some benefit that would assist them when doing other studies and work in response to the request of the Board.

Mr. Harvey stated if the Commission directs staff, they could mirror the work they were doing for the Potomac basin for the Rappahannock basin. He stated he did not know if it would assist in the decision, you may see there are differences in the watershed. He stated that may be one of the outcomes when staff starts to comparing the results.

Ms. Kirkman stated that would be additional work and you have already stated it would take five months to complete the work outlined for the board.

Mr. Harvey stated that was correct.

Ms. Kirkman stated staff would not be able to do additional work on the Rappahannock and meet the deadline the Board set of five months.

Mr. Harvey stated he would anticipate it would take longer than five months.

Mr. Rhodes asked if there could be information that you might want to undo once you look at the Rappahannock. He stated if the Commission was going to pursue something else, you would not want one that conflicts with another. He stated he was not convinced that the Commission has explored the item that they are getting ready to write and say they are deferring, as the Commission has not looked at the benefits or disadvantages.

Mr. Di Peppe stated we have a motion to defer any action by the Planning Commission until after the Board takes a vote on the Potomac Overlay. The motion to defer passed 4-2 (Mr. Rhodes and Mr. Mitchell voted no, Mr. Howard was absent).

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Mr. Di Peppe stated before we leave Ordinance Committee we have been talking about the definition of family and the difficult problems with overcrowding in some areas of the County and how to address that issue. He stated he has since learned that Administration and the Board were having meetings on that same issue. He stated rather than the Commission having a separate track, the suggestion has been made to perhaps put a member from the Planning Commission to attend those meetings.

Mr. Fields appointed Mr. Di Peppe to serve as the Planning Commission representative.

Ms. Kirkman asked if the Board has requested a representative from the Planning Commission.

After a brief discussion concerning the Commission member attending the meetings, Mr. Fields asked Mr. Di Peppe to have that dialogue with the Board since we are working on the same issue and saw a need not to duplicate efforts.

Ms. Kirkman suggested the Commission Chairman write a letter requesting permission.

Mr. Fields stated he would make that appointment and call the Chairman of the Board and make that request.

Ms. Kirkman stated if the remainder of the Ordinance Committee was not going to be done later on, she would like to bring one thing to the Ordinance Committee's attention and begin discussion. She stated she would like to begin discussion on Section 28-37 of the Zoning Ordinance, which was titled Non-listed Uses. She stated this section of the Zoning Ordinance allows property owners to apply for a Conditional Use Permit (CUP) for any use not listed and in her opinion seems to be increasing, such as the Teen Challenge program. She stated there was a Zoning Administrator made a determination, as a non-listed use, we could have a prisoner rehab facility. She stated in her opinion, the ordinance was really broad, because it allows anything as a CUP.

Mr. Judy stated as a point of clarification, the reason local zoning ordinances have a clause like that, was because over time new uses which were not thought of at the time the ordinance was enacted, tend to come up. He stated it was very hard to have a zoning ordinance that contemplates every potential use. He suggested as opposed to amending the portion of the ordinance, would be to, on a regular basis, include those new uses that appear, such as housing for disabled persons. He stated if those were new uses that were not contemplated ten or fifteen years ago, and were now showing up, then the zoning ordinances should be altered and decide where we want those uses and include them as a rezoning, CUP or by-right. He stated in his opinion, you would have to have a provision in the code to allow for non listed uses, because there was always the potential for a use not contemplated.

Ms. Kirkman stated those uses not contemplated, if we want them in our community, could be addresses by amending the zoning ordinance to allow the use, as we did with the Lifecare Use.

Mr. Judy stated there was always going to be a potential for an unlisted use.

Ms. Kirkman stated she would like the Commission to have that discussion at the next ordinance committee meeting and asked if staff could bring some recommendations.

Mr. Fields asked what other jurisdictions do, what are the standard practices.

Mrs. Carlone stated she has a concern with trucks parking on the street with advertisements.

Mr. Di Peppe stated he thought the Commission had that discussion and asked Mr. Judy if the County could tell a business, if they have a panel truck with advertisement on the truck, can you stop someone from parking in front.

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Mr. Judy stated it would be a question of how you address the issue. Would you be addressing because the signs were offensive, or the signs were a distraction to persons on the highway. He stated under the provision for moving signs and other signage along the highway corridor areas you may be able to address the issue. He stated he knew there were some localities that had addressed the issue, but was not aware specifically how it was done.

Mrs. Carlone stated, in her opinion, it was getting around the sign ordinance.

Mr. Fields stated he had a presentation to former members of the Planning Commission and asked Mr. Pitzel if he would come forward.

Mr. Fields stated it was an honor to present this award and told Mr. Pitzel he appreciates the time he spent and the dedication of serving the county and the George Washington district. He read the plaque which stated "the Stafford County Planning Commission proudly honors Steven Pitzel for eight years of dedication and service to the citizens of Stafford County, January 1, 2000 to December 31, 2007".

Mr. Pitzel stated he enjoyed the eight years on the Planning Commission, and stated it was very much a learning opportunity and thinks it was an opportunity everyone should have sometime in their life to hold public office.

Mr. Di Peppe stated he would especially like to thank Mr. Pitzel, because when he was a new Commission member, he would call him often and get answers to his questions. He stated Mr. Pitzel was a tremendous help to him.

Mr. Fields stated during the time he was on the Board, he and Mr. Pitzel worked very closely together and in his opinion, Mr. Pitzel was an invaluable asset to land use in this county.

PUBLIC HEARINGS:

1. Amendment to Zoning Ordinance - Amendment to Section 28-25, Definition of Specific Terms; Section 28-62, Chesapeake Bay Preservation Overlay District; Section 28-123, Types Permitted in A-1 Districts; Section 28-124, Types Permitted in A-1 and R-1 Districts; Section 28-125, Types Permitted in R-2, R-3 and R-4 Districts; Section 28-126, Types Permitted in B-1, B-2, M-1 and M-2 Districts; Section 28-127, Types Permitted in RC, SC, B-3, RBC and LC Districts; and Section 28-136, Types Permitted in P-TND Districts, of the Zoning Ordinance, pursuant to O08-56. The amendment will require that properties which contain a Critical Resource Protection Area (CRPA) buffer have a specified sign posted along the edge of the buffer that notifies the property owner and others that there is a CRPA buffer on that property.

Steve Hubble presented the staff report. He stated there would be a requirement to post a sign to identify the limits of the CRPA before the issuance of an occupancy permit for a single family home. In addition to the ordinance change there was also a written signage policy which would be adopted by the Board of Supervisors by resolution. He stated the signage policy would provide design standards and implementation details for CRPA signage requirements to include sign shape, color, size, installation, maintenance and alternative signage. Localities who implement CRPA signage requirements include Chesterfield County, New Kent County, Isle of Wight County and the City of Hopewell. He stated properties that would be affected by this amendment would be newly subdivided residential lots that contain a CRPA buffer area and existing undeveloped lots that contain a CRPA buffer area that propose construction of a new single family dwelling, duplex or townhouse. The purpose for the amendment

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would be to educate future homeowners on the presence of a CRPA area on their property, the purpose and function of a CRPA area and the development restrictions associated with those areas, as well as to limit disturbance, encroachments and violations within the CRPA buffer to protect water quality of the Chesapeake Bay and its tributaries. He stated the recommendation for this signage came out of a 2004 study from Friends of the Rappahannock. In addition, the county and Friends of the Rappahannock, in partnership, received grant funding from the Virginia Water Quality Improvement Fund in 2006 to implement 8 projects to improve water quality and this was one of the 8 projects. Currently, the Planning Commission requested that developers provide RPA signage as a voluntary condition of plan approval. Staff recommends approval of the ordinance.

Mrs. Carlone asked if the developers could use an alternate sign, if the content remained be the same.

Mr. Hubble stated yes.

Mr. Rhodes asked how often phone numbers change.

Mr. Hubble stated he listed the main line for his department and he would not anticipate that changing at any time in the near future.

Mr. Fields opened the public hearing.

With no one coming forward the public hearing was closed.

Mrs. Carlone made a motion to recommend approval with a change in paragraph 7 of O08-56, the words "are similar to" to "same as". The design can vary but the content needs to be the same. Ms. Kirkman seconded. The motion passed 6-0 (Mr. Howard was absent).

2. Amendment to Subdivision Ordinance - Amendment to Section 22-221, where required, of the Subdivision Ordinance, pursuant to O08-55. The amendment will require curb, gutter and sidewalks to be provided within the right-of-way of all streets; existing and proposed, within subdivisions which contain any lot less than thirty thousand (30,000) square feet in size except for full, low-impact development subdivisions in accordance with the provisions of chapter 21.5 of this Code where curb and gutters shall not be required within the right-of-way of all streets which front on lots greater than ten thousand (10,000) square feet in size and where sidewalks shall not be required. The provisions of Section 22-223 shall still apply. The amendment will require curb, gutter and sidewalks to be provided within the right-of-way of all streets; existing and proposed, within cluster subdivisions which except for full low-impact development subdivisions in accordance with the provisions of chapter 21.5 of this Code where curb and gutters shall not be required within the right-of-way of all streets which front on lots greater than ten thousand (10,000) square feet in size and where sidewalks shall not be required.

Angela Faroughi presented the staff report. She stated the current ordinance required curb, gutter and sidewalks on individual lots based on specific lot size, it does not specify the location of the sidewalks, it gives an option of the sidewalk on one side or both sides of the road, and required a Low Impact Development (LID) measure that was not currently allowed by VDOT inside the right-of-way in order to exempt applicant from installing curb and gutter. It also does not specify the level of LID that the applicant will need to attain in order to qualify for these exemptions. She showed examples of

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neighborhood sidewalks ending and on only one side of the street. She stated the proposed changes would amend the Subdivision Ordinance to require curb, gutter and sidewalks on all streets within a proposed subdivision based upon the lot sizes within the development, including the developing property's frontage on the existing state maintained road which promotes interconnectivity. It would require the sidewalk to be located within the state maintained right-of-way, it would require sidewalk on both sides of the street, and it would specify exemptions for LID subdivisions based upon full LID achievement while also allowing an option for installing a feature that VDOT does not currently allow in the right-of-way versus a requirement for that feature. Staff recommended approval of the proposed ordinance as it provided clear direction for curb, gutter and sidewalk requirements and promoted interconnectivity of neighborhoods in a pedestrian-friendly environment.

Mrs. Carlone stated she thought this was good.

Mr. Fields opened the public hearing.

With no one coming forward the public hearing was closed.

Mr. Di Peppe made a motion to recommend approval of O08-55. Mrs. Carlone seconded.

Mr. Mitchell asked if this was on new subdivisions or any subdivision.

Mr. Judy stated that was his question also. Section 1 stated "within the right-of-way of all streets; existing and proposed" and he stated "existing" meant an existing street, not necessarily an existing subdivision. He stated the word proposed should be inserted between "within" and "subdivisions" to clarify what was being talked about. He stated obviously this could not apply to existing subdivisions. Mr. Mitchell stated there were numerous streets that do not allow room for sidewalks. The street he lives on, for example, did not allow room for sidewalks. There was a two lane road and a ditch.

Mr. Judy asked if he lived in an existing subdivision and stated this would be for proposed new subdivisions. An example would be the preliminary plan that was before the Planning Commission earlier that fronted on an existing street. If it was a new subdivision fronting on an existing street then this would apply.

Ms. Kirkman asked, when they say proposed subdivisions, would that exclude the application of this to preliminary subdivisions that have not yet submitted construction plans.

Mr. Judy stated because of vesting, if it was an approved preliminary plat or already recorded subdivision, this would not apply. Preliminaries were not recorded but were vested once they were approved.

Mr. Di Peppe stated he would amend his motion with the changing of the words "proposed new subdivisions". The motion passed 6-0 (Mr. Howard was absent).

3. Amendment to Zoning Ordinance - Amendment to Section 28-295, Zoning Administrator, of the Zoning Ordinance, pursuant to O08-36. The amendment will require all formal determinations made by the zoning administrator shall be posted on the official county website. If a specific parcel is subject to a determination, written notice of the determination shall be provided to the

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applicant and to all adjoining property owners by first class mail when the determination has been made. The last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement. Failure to give proper notice pursuant to this section shall not invalidate a determination rendered by the zoning administrator. A required fee established by the board of supervisors shall be charged for all requests for a zoning administrator determination.

4. Amendment to Zoning Ordinance (proposed alternate) - Amendment to Section 28-295, Zoning Administrator, of the Zoning Ordinance, pursuant to O08-54. The amendment will require the Department of Planning and Zoning to develop an application form and procedure for all requests for a zoning determination. These applications shall be entered into the department zoning application tracking system. Upon receipt of an application for a zoning administrator determination, the Department of Planning and Zoning shall provide written notice by certified mail to all adjoining property owners. The notice shall include a descriptive summary of the requested determination and a reference to the place or places within the locality where copies of the application for a zoning administrator determination may be examined. The last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement. At least thirty (30) days but no more than ninety (90) days shall elapse between the notification of adjacent property owners and the making of the zoning administrator determination. When the determination has been made, written notice of the determination shall be provided to the applicant and to all adjoining property owners by the Department of Planning and Zoning by certified mail. The last known address of any such owner, as shown on the current real estate tax assessment books of the county, shall be deemed adequate compliance with this requirement.

Jamie Stepowany presented a combined staff report for items 3 and 4. He stated the Planning Commission would have to make a recommendation on each ordinance individually. The Code of Virginia and Stafford County Code vest the Zoning Administrator with the legal authority to interpret local zoning regulations and to make final determinations about how the regulations may or may not apply to a specific property or situation. A request for determination was submitted to the Department of Planning and Zoning along with a fee and a determination would be provided in writing. The requester may appeal the determination to the Board of Zoning Appeals within 30 days from being notified of the determination. In some cases the determination may be parcel specific. The Planning Commission and Board of Supervisors have concerns over the impact the determination may have on adjoining property and the adjoining property owners may not have received notice of determination and may not be able to appeal to the BZA within the statutory 30 day appeal period. He stated Ordinance O08-36 was referred by the Board of Supervisors on March 18, 2008, by Resolution R08-180 with a time limit for the Planning Commission to make a recommendation by June 16, 2008. This ordinance required the owners of the adjoining properties receive a copy of the Zoning Administrator's determination by mail if parcel specific and required a copy of all determinations be viewable on the county web page. Failure to give proper notice which was receiving a copy within 30 days of the determination shall not invalidate a determination. He stated Ordinance O08-54 was an alternative ordinance proposed by the Planning Commission. This ordinance would require the Department of Planning and Zoning to create an application which would be processed through the County's permit tracking system used by the Department of Planning and Zoning and other departments. If the application was parcel specific this department would require the Department of Planning and Zoning to notify all adjoining property owners by certified mail that such an application has been submitted. The

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amendment would restrict the Zoning Administrator from making a determination for at least 30 days after receiving the application so that the application can be reviewed and must make a determination within 90 days from the day the application was accepted. This amendment would require the owners of the adjoining properties receive a copy of the Zoning Administrator's determination by mail if parcel specific which was similar to O08-36 and would require a copy of all determinations be viewable on the county web page which was also similar to O08-36. Staff believed that both proposed ordinances have merit but did not make a recommendation for either proposed ordinance.

Mr. Rhodes asked if the Zoning Administrator had any opinion on the two.

Mr. Harvey stated no.

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

Mr. Mitchell made a motion for approval of O08-36. Mrs. Carlone seconded.

Ms. Kirkman stated she opposed the motion to approve O08-36 because she believed that the subsequent alternative, O08-54, was a much better constructed ordinance. She stated, in her opinion, it went further to ensure that adjacent property owners have fuller notification and a better process. She stated she would not support the motion to recommend approval of O08-36.

Mr. Di Peppe stated he would also not be supporting O08-36. He stated they have seen what happens in the past because county residents have not had notification and he knew this would create an extra burden on staff because of the notification when something was submitted. He wanted to make sure people understood exactly what was happening in the county and give them an opportunity if there was a problem.

Mr. Fields called the vote and the motion to approve O08-36. The motion failed 2-4 (Mrs. Carlone, Mr. Di Peppe, Mr. Fields and Ms. Kirkman opposed, Mr. Howard was absent).

Ms. Kirkman made a motion to approve O08-54. Mrs. Carlone seconded. The motion passed 4-2 (Mr. Rhodes and Mr. Mitchell opposed, Mr. Howard was absent).

Mr. Fields stated the motion carried 4-2 to move forward to the Board with the Commission's recommendation.

UNFINISHED BUSINESS:

5. SUB2700557; Ruby Meadows, Preliminary Subdivision Plan - A preliminary subdivision plan for 13 single family lots, zoned A-1, Agricultural, consisting of 41.31 acres located on the south side of Garrisonville Road approximately 300 feet east of Green Acre Drive on Assessor's Parcels 9-10 and 9-11 within the Rock Hill Election District. **(Time Limit: August 5, 2008)**
(Deferred to July 2, 2008 Work Session)

Mr. Fields stated Ruby Meadows was deferred.

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6. RC2800300; Reclassification – Hoyt Street Property – A proposed reclassification from B-1, Convenience Commercial to R-1, Suburban Residential Zoning District to allow the utilization of the property for residential use on Assessor’s Parcel 54D-3-1-6 consisting of 0.66 acres, located on the west side of Hoyt Street approximately 200 feet north of White Oak Road within the George Washington District. The Comprehensive Plan recommends the property for Suburban Residential uses. The Suburban Residential designation would allow residential development at a maximum density of 3 dwelling units per acre. See Section 28-35 of the Stafford County Zoning Ordinance for a full listing of permitted uses in the R-1 Zoning District. **(Time Limit: August 29, 2008) (Deferred to June 18, 2008 Regular Meeting)**

Mr. Fields stated Hoyt Street was deferred to June 18, 2008.

Ms. Kirkman stated she saw the letter from the Zoning Administrator to Planning concerning Hoyt Street. She stated the Zoning Administrator recommend consolidation of the two lots. She stated she wanted to make sure it did not end up with an accessory dwelling that was larger in area than the primary dwelling, which would make this non-conforming. She stated that issue was not addressed in the memo.

Mr. Harvey stated he would check that issue.

NEW BUSINESS

None

MINUTES

None

PLANNING DIRECTOR’S REPORT

Mr. Harvey stated the Commission had previously discussed the Board’s action on Potomac Overly and stated they also considered the Critical Resource Area Setback and approved that Ordinance with modifications. He stated the Ordinance was modified to specify rear yard setback would be twenty-five feet, the side yard and the front yard would be twelve feet, and the Ordinance would be applicable to any application submitted from today forward. He stated the Board also approved the Oakley Farm and Courthouse wall Conditional Use permit.

Ms. Kirkman asked if the applicable from this point forward modification made at the Board meeting.

Mr. Harvey stated yes, it was made at the Board meeting. He stated on the Ordinance, at the Boards request when one come forward, we put “this Ordinance will be effective on” and then a blank for the date. The Board chose to make it effective for applications submitted after the date they adopted the Ordinance.

Ms. Kirkman asked if the Commission specified a date of enactment. She asked for future reference, if that was the recommendation of the Planning Commission, do we need to be stating that request.

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Mr. Harvey stated that would be helpful for the Boards consideration. He stated, the Teen Challenge application was also denied.

Mr. Rhodes asked what other likely dates of enactment would applicability might there be.

Mr. Harvey stated the Board had a lot of discussion concerning that issue. He stated Ordinances can be done in many ways. In the past we have had Ordinances that have gone into effect 90 or 120 days after they were adopted, to allow people to process through the application cycle to a certain point. He stated in 1995, when the Zoning Ordinance was recodified, it was adopted in June and became effective January 1, to try to help people adjust to the changes in the code during that time period.

Mr. Fields stated sometimes you can adopt items retroactively.

COUNTY ATTORNEY'S REPORT

Mr. Judy stated the last time the Commission met, he had indicated that he had attended the CPEAV seminar and was hoping to bring a report to the Commission. He stated he has not had time to put the report together. He stated he wanted to let the Commission know one of the most important things discussed, in his opinion, had to do with the potential legislation before the State, this past spring, but continued or deferred to next year, was the provision to do away with proffers and provide for a specific impact fee. He stated localities in Virginia have been asking for years the ability to impose impact fees. He stated he thought what he heard from Richmond was, come this time next year it will probably be a reality, but not sure what form it would take. He stated one of the things the Commission would need to be aware of, and some of the discussion the Board had yesterday was to implement the UTSD provisions of 3202, which would allow localities to take over maintenance of the roads, in exchange for the impact fees. He stated the questions were, what would those impact fees look like if the legislation becomes a reality next year. He stated that throws a monkey wrench in the whole procedure if we are basing our calculations of taking over maintenance and have it pay for itself through money we collect. He stated as of now we are in the \$42,000 per house range as opposed to the potential to it being cut to \$5,500-\$7,500 per house. He stated that would apply across the board to by-right as well as rezoning development, but the numbers would be effected.

Mr. Fields stated it was his understanding that the impact fee would apply to by-right but not to vested subdivisions, only to new by-right subdivisions.

Mr. Judy stated some localities, when they saw the provision that would allow for increased grantors tax to be paid by the seller of the lot, they thought that would be worthwhile, but that was stricken from the final version.

Mr. Fields stated if you had a reasonable impact fee and a grantors tax or transfer tax in some way was more fair because it affects the buying and selling of existing property.

Ms. Kirkman asked Mr. Judy if he did not have time to do a presentation, if the Commission could have copies of the handouts.

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SECRETARY'S REPORT

No Report

STANDING COMMITTEE REPORTS

Ms. Kirkman stated last week the transportation committee met with the Board of Supervisors sub committee on a transportation bond referendum. She stated the Board was considering a total bond package of approximately a hundred million dollars, with somewhere between sixty and seventy million going to transportation projects. She stated at this point, the Board was considering two types of projects, which they are referring to as safety projects, which were on the youth driver safety task force and as to flow projects, where there was major congestion. She stated this was being looked at as the first of many future transportation bonds given the bleakness of the State funding situation. She stated the Board has requested the Commission to provide their recommendation to them on the suggested list of projects they are developing and will be finalizing that list at the June 15, 2008 meeting. She stated the Transportation Committee felt they did not want to put the Planning Commission in a position of having to make a recommendation based on a plan received a night the recommendation would have to be made. She suggested the Planning Commission schedule a special session for the fourth Wednesday in June, to allow time to look at the Board decisions and forward back to the Board a recommendation for their July 1, 2008 meeting.

Mr. Rhodes suggested the Commission consider obtaining a copy of the reports the Board would be receiving, so the Commission could orient ourselves to the issue and their recommendations and be better attuned.

Ms. Kirkman stated that was requested of the Board, and asked Mr. Harvey if he could make sure when the Board received that material, the Commission would receive a copy as well.

Mr. Fields stated it was a good discussion and was pleased the Board allowed the Committee to be a part of the process. He stated it was a short time frame, but the requirements of the lead time for the bond initiatives to be approved by the Circuit Court, require that they on the timeframe as scheduled.

Ms. Kirkman stated she spoke with a transportation planner, and they are in the process of using our model to project out based on our proposed land use plan for the year 2028. She stated the general sense of that meeting last week was projections out that far are not help as much with the near term decision making, so she spoke to the transportation planner and she does think by the fourth Wednesday in June, she can get to us a run using our model for the year 2018.

Mr. Fields stated when we see a convergence of the different projections and models it will become apparent what we can afford to muster. He stated in the final analysis as citizens we will make our own decisions on how we vote on the bond.

Ms. Kirkman stated a decision had t be made about the aspect of the special session.

Mr. Fields stated in order to do this the Commission would have to meet June 25, 2008 at 7:00 p.m.

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Ms. Kirkman stated if the Commission had to defer items from the comp plan from the June 18, 2008 meeting could they be heard at the June 25, 2008 meeting.

Mr. Rhodes asked if that would allow enough time for the comp plan and transportation plan.

Mr. Fields stated he thinks the commission would want to have a long third meeting in the month.

SPECIAL COMMITTEE REPORTS

No Report

CHAIRMAN'S REPORT

Mr. Fields thanked the Commission for volunteering their time to serve the County.

ADJOURNMENT

With no further business the meeting was adjourned at 9:10 p.m.

Peter Fields, Chairman
Planning Commission